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1715

HISTORY OF GUERNSEY.

THE
HISTORY OF GUERNSEY;
WITH
OCCASIONAL NOTICES
OF
JERSEY, ALDERNEY, AND SARK,
AND
BIOGRAPHICAL SKETCHES.

BY JONATHAN DUNCAN, ESQ., B.A.,

AUTHOR OF

"THE DUKES OF NORMANDY," "THE RELIGIONS OF PROFANE ANTIQUITY,"
"THE RELIGIOUS WARS OF FRANCE," &c., &c.

LONDON:

LONGMAN, BROWN, GREEN, AND LONGMANS,
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GUERNSEY.—HENRY BROUARD, BORDAGE-STREET.

1841.

Entered at Stationers' Hall.

H. BROUARD, Printer, Guernsey.

TO SIR DENIS LE MARCHANT, BART.

SIR,

It is with peculiar satisfaction that I inscribe this volume to you. The antiquity of your family, and the public offices they have long held in the island, have induced me to solicit your acceptance of this dedication of the history of your father-land. Among your progenitors are included six chief magistrates, the first of whom filled the presidential chair at the remote date of the year 1304. From that early period to the present time, the name of Le Marchant has held an uninterrupted and honoured rank in the annals of the bailiwick ; and your lamented father, who so nobly fell at Salamanca, added fresh and unfading laurels to your ancestral escutcheon, as did, in a minor degree, your gallant brother, who died of a wound received at the close of the peninsular war.

May I venture to hope that your influence will be actively exerted in bringing before her majesty's government the Guernsey system of landed tenure, which I have fully explained in the chapter on

“Agriculture,” and which, I am convinced, would greatly promote the prosperity and the tranquillity of Ireland, if introduced into that country. Indeed, I have long thought that no remedial measure better deserves the careful attention of the legislature, and it would prove to yourself a source of laudable pride if the land of your forefathers served as a model for the regeneration of a high-minded but suffering people.

I have the honour to remain,

Sir,

Your most obedient servant,

JONATHAN DUNCAN.

Guernsey, 1841.

PREFACE.

WHEN this work was announced for publication, the prospectus stated that its principal materials would be derived from orders in council, acts of parliament, and ordinances of the royal court ; and that subsidiary information would be sought in authentic manuscripts and family documents. I confidently hope that an impartial examination of the volume will justify me in saying that those pledges have been faithfully redeemed.

In order to render this History as complete as possible, application for assistance was made to every quarter from whence useful hints or suggestions seemed likely to be received ; and it is now my pleasing duty to acknowledge the valuable aid rendered to me by some of the most enlightened gentlemen in the island.

Foremost on the list stands Mr. Ferdinand Brock Tupper, whose indefatigable perseverance, extensive researches, and acute judgment, have imparted a value to the work which it never could have acquired through my own unaided exertions. Not alone to my personal gratitude is he entitled—he deserves the best thanks of every Guernseyman who feels a patriotic interest in the annals of his native land.

The venerable and truly noble-minded bailiff, Mr. Daniel De Lisle Brock, has also laid me under heavy obligations : the experience of his long and useful life has often directed my erring judgment into the right channel, and he most liberally placed at my disposal a large collection of manuscripts and printed documents, replete with interest and instruction.

The lieut.-bailiff, Mr. John Guille, of St. George, entrusted me with the papers of his ancient and respected family, together with those of the late Mr. Thomas Le Marchant, a gentleman of great literary acquirements, who left behind him, in MS., an unfinished history of his native island.

I am also indebted to Sir William Collings, jurat of the royal court, for the loan of his valuable collection of manuscripts, and many judicious communications.

Nor can I omit the name of Mr. Charles De Jersey, the learned attorney-general of the bailiwick, from whose library and estimable counsels I have reaped a rich harvest of legal information.

In the chapter on the "Constitution of Guernsey," Mr. James Barbet, Jun., tendered me most valuable assistance, and his name is a sufficient guarantee for the accuracy of all that relates to insular jurisprudence and legislation.

The chapter on "Ecclesiastical Architecture" was contributed by the Rev. William Collings Lukis, B.A., of Trinity college, Cambridge ; that on "Climate and Diseases," by Frederick Collings Lukis, M.D. ; those on "Antiquities," and "Natural History," were written by Mr. Frederick Corbin Lukis, the talented father of those gentlemen.

Mr. Hilary Ollivier Carré, a highly esteemed jurat

of the royal court, is the author of the useful chapters on "Horticulture" and "Meteorology."

Other casual assistance is acknowledged in the text and notes.

It has been well observed, that biography is the handmaid of history, and that she is frequently a more agreeable companion than her mistress. The reader who is of this opinion will be interested by a perusal of the "Biographical Sketches" in the Appendix. Guernsey has reason to be proud of many of her sons, and I have felt much pleasure in inserting their memoirs, although necessarily brief,—as the materials with which several are composed would, probably, in a few years, otherwise have been lost. As a few living characters are introduced in this portion of the work, a cursory reader may be surprised at not finding a memoir of Daniel De Lisle Brock. But the insular history of the last forty years is so closely identified with the patriotic services of that eminent functionary, that I thought his life would best be read in the record of those public acts which have conferred so much benefit on the island.

I now submit the work to public criticism. The matter is almost wholly original, and the narrative is strictly a History of Guernsey, with incidental allusions to the other channel islands. I have carefully avoided swelling out the narrative by blending the annals of the bailiwick with those of England.

JONATHAN DUNCAN.

Esplanade, Guernsey, 1841.

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HISTORY OF GUERNSEY.

CHAPTER I.

POLITICAL HISTORY.

THE origin of nations, even the most celebrated, is buried in obscurity. Ingenious men, of a speculative turn of mind, amuse themselves with constructing theories on traditional fragments of poetry, on rude monuments which may have undergone material changes, and even on the etymologies of language; but such conjectures can never be received as authentic history. The documents of truth are not anterior to civilization, and it were waste of time to search for them among barbarians. If doubt and uncertainty cloud the annals of the most mighty monarchies, it would be unreasonable to expect that the small island of Guernsey should form an exception to the universal law. The existence of Celtic remains, however, prove that Guernsey was inhabited at a remote period, and it was most probably visited by Julius Cæsar, or some of his lieutenants, during the Gallic war. That it was known to the Romans, the Itinerary of Antoninus attests, and traces of their fortifications, discovered at Jerbourg, confirm his testimony.

The piratical fleets of the Danes and Norwegians made their first descent on the coasts of Gaul in 286; at least this is the date of the earliest expedition on record: about the same period the Saxon adventurers

formed establishments in England and Scotland. It is certain that the Norwegian King Odoacer attacked Orleans, and took possession of the islands at the mouth of the Loire. That Guernsey, and the Norman isles in the Gulf of Avranches, were visited by these freebooters, appears highly probable, affording as they must have done, convenient shelter in case of repulse from the main land of Gaul, and a secure and accessible retreat in which to deposit their plunder. At a later period the islands were of sufficient importance to attract cupidity, and we learn from Robert Wace, that the celebrated chief Hasting landed in all the islands in 856 :

En Auremen*, en Guernesit,
En Saire‡, en Erin§, en Gersi||.¶

There is a passage in Gregory of Tours, which, at first glance, would lead to the conclusion that Odoacer himself possessed the Channel Islands. That old historian states, that Childeric defeated Odoacer at Orleans, and that the French destroyed the fortifications which pirates had constructed *in the islands*; but he does not describe their locality. Ruinard, in his comment on this passage, following the opinion of Le Cointe, says that these islands were on the Loire.**

The Saxon adventurers who invaded England, drove the aborigines from the level plains, and many sought refuge in the mountains of Wales. In progress of time this retreat afforded no protection against violence, and the natives fled to Armorica,†† now called Brittany, on the coast of Gaul.‡‡ In traversing the

* Alderney. † Guernsey. ‡ Sark. § Herm. || Jersey. ¶ Roman de Rou, v. 425-6.

** Insulæ istæ ad Ligerim positæ erant, ut censet Coisvius, quas archibus manerant Saxones, ut si res minus feliciter contingerent, liberam haberent per oceanum abundi facultatem. Not. Ruinard. Ad. Gregorium Turonensem. l. 2. p. 71.

†† Armorica is derived from *Ar*, signifying "upon," or "near," and "mare," or "mer," the "sea." All the countries of Gaul bordering the ocean were so called, as we learn from Cæsar. Universas Gallie civitates quæ Oceanum attingunt, Gallorum consuetudine ARMORICAS appellatas. (Comment.)

‡‡ The first emigration of the insular Britons, according to the Chronicle of Mount Saint Michael, preserved by the learned Jesuit, Labbe, took place in 513. Anno 513 venerunt transmarini Britanni in Armoricam, id est minorem Britanniam. The same date is also fixed in an old manuscript preserved in the cathedral of Nantes.—(Vide Vertot, Établissement des Bretons dans la Gaule. T. I. P. 67.)

Channel it may be presumed that some landed at Guernsey, and Saint Sampson, bishop of St. David's, who received from King Childebert the abbacy* of Dol, is supposed to have been the first who introduced christianity into the island, and united it to his spiritual jurisdiction in Brittany. These circumstances lead to the conclusion that the first regular colonists came from Wales, and even to this day the Welsh and Breton dialects are so similar that the natives of the two countries can converse together with great facility.

Another horde of pirates, who distinguished themselves during the early ages of these marauding exhibitions, have received the name of Sarrazins, but their original country is not known, and they seem to have been a mixed race drawn together by the common love of plunder. Some have fixed their native country on the banks of the Danube; others class them among the barbarian tribes of Poland and Livonia. They overran Spain and most of the countries bordering on the Mediterranean. Such was the consternation they inspired that Pope Leo the Fourth, in 846, expressly composed and added to the Litany a collect beseeching the protection of Providence against these barbarians.

According to tradition, the Sarrazins possessed a strong fortification in Guernsey, called the castle of Geoffrey, the Grand Sarrazin, situate on an eminence nearly in the centre of the island, which commanded from its summit an extensive view of the ocean and all the bays and principal landing places on the coast. It is the site of the modern church of Sainte Marie de Castro, which seems to have been partly built on the ruins of the ancient structure, for all the north and north-east walls appear to be older than the others,

* St. Sampson is usually styled Bishop of Dol, but Mabillon expressly states that there were no bishops in Brittany before the ninth century, the bishopric of Laon excepted, so that St. Sampson was only an abbot, with the nominal rank of bishop. He arrived in Brittany in 520, visited Guernsey in 556, and attended the third council of Paris in 577, the decrees of which bear his signature: Samson, pêcheur, évêque, al consenti et souscri.

and of a different style of architecture, and there are indications from some projecting stones, that gates were formerly suspended from them.

We have now approached the period from which the authentic political history of Guernsey may be dated. In 912, Charles the Simple, king of France, ceded to Rollo, a Norwegian adventurer, the province of Neustria, now called Normandy, and Rollo became the first duke of that province. On his baptism and marriage with Gisele, daughter of Charles, he also received Brittany, for which Juhael Berengier, earl of Rennes, did him homage. Though the early historians, who mention the treaty of Clair-sur-Epte, distinctly state that Rollo received all the land down to the margin of the sea, they do not include the islands; however, if we consider the character of Rollo, his ambition, his power, and his success, there is the highest probability that he annexed the Channel Islands to his newly acquired dukedom, and that he possessed them *de facto*, as he did Normandy, long before the treaty of Clair-sur-Epte was signed.

The reign of his son and successor, William Longsword, throws no light on the annals of Guernsey. Richard the First, third duke of Normandy, banished the monks of Mount Saint Michael to the island on account of their dissolute conduct, and they settled in the Vale parish, the church of which is dedicated to Saint Michael, the archangel. In the interval between his reign and the accession of Robert the First, sixth duke of Normandy, surnamed by some writers "The Magnificent," and by others, "The Devil," nothing is recorded of Guernsey; but there is a tradition that Robert visited Guernsey, and that his fleet anchored in a bay to the northward of the Vale, which has ever since been called "La Baie-de-l'Ancrese," or anchorage bay. At that date a considerable number of monks had congregated in the island, and the duke is said to have confirmed them in

possession of the lands they had cultivated, but to which they had no legal title.

Duke Robert the First is also said to have appointed two engineers to fortify the island, one named *Barco Des Marais*, and the other *John De Jerbourg*, who built the castles of Des Marais and Jerbourg, to which they gave their names; but this is extremely doubtful, as these fortifications appear to be of Saxon construction. It is highly probable that the duke would have put the island into an efficient state of defence; but assuming that he did appoint two engineers, we incline to think that they did not construct the castles, but merely repaired or enlarged them, and that, instead of giving them their own names, they took their own surnames from the castles,—a practice very usual in France under the old *regime*, and preserved even to this day in Guernsey, where gentlemen are frequently saluted by the title of their estate. We are also of opinion, that the castle of Jerbourg, now entirely in ruins, or rather the peninsula on which it stood, originally derived its name from Cæsar's bourg, or from Cherbourg, in Normandy, and the learned Camden, in his *Insulis Britannicis*, states that the words *Jer*, *Ger*, and *Cher*, are all corrupt abbreviations of Cæsar. The castle of Des Marais most probably derived its name from its locality, being seated on a small rocky mount, surrounded by marshy ground.

In 1061, during the reign of William, seventh duke of Normandy, and afterwards surnamed the conqueror, Guernsey was attacked by a strong piratical expedition. The inhabitants sent information to the duke, who was then at Valogne, and he immediately dispatched troops under the command of Sampson D'Anneville, who landed at the harbour of Saint Sampson's. That officer was joined by the monks and such of the people who had sought refuge in the castle of Mount Saint Michael, and, assailing the in-

vaders with great courage, he defeated them with much slaughter and burned their ships. Duke William made large concessions of land in the island to this D'Anneville, as a reward for his valour and conduct, and to other persons who are supposed to have distinguished themselves on this occasion ; and some of these donations can be verified by authentic documents.

In the thirty-ninth year of Queen Elizabeth's reign, six royal commissioners were appointed to examine what feudal tenures or manors existed in Guernsey, when Thomas Fachion, esq., laid claim to the fief of Anneville, producing an extract from the Rolls of the Exchequer of Rouen, dated the next day after the festival of Saint Luke, 1061, which certified that William, seventh duke of Normandy, had granted, in fee-farm, to the abbot of Mount Saint Michael and to Sampson D'Anneville, one half of the island of Guernsey, to be taken out of the western side of the said island, and to be divided between them in equal proportions. The deed of gift then stated that the donees should remain in possession so long as the province of Normandy and these islands remained conjoined, on the condition that the abbot, or his representative residing in the island, should perform the functions of chaplain to the duke, and that Sampson D'Anneville should officiate as groom of the stole to the duke whenever he visited the island. It was further covenanted that the heirs of D'Anneville should have the right of paying a fixed relief on their fief, of ten livres tournois, on doing homage to the duke.

D'Anneville and his successors carved their estate out into several parcels, which they let on different tenures ; but in 1143 his line became extinct, when his lands escheated to Henry, earl of Anjou, duke of Normandy, and grandson of Henry the First, king of England, then excluded from the crown of England by the usurpation of Stephen, count of Boulogne.

Duke Henry granted his property for a long term of years to the Earl of Mortain, in whose right they were afterwards enjoyed by Robert De Vere, as it appears from the extent of King Henry the Third, in which it is stated that the quarter part of the island, belonging to Robert De Vere, is that called the Count's or Earl's lands. When the grant made by the Earl of Anjou expired, Henry the Third gave up his regal rights on the estate to William De Chesneye and his heirs for ever, as it is proved by a charter under the great seal of England, in the 32nd year of his reign. The fief next devolved to Sir Robert Willoughby, in right of Margaret De Chesneye, his mother, and he sold it to Nicholas Fachion, gentleman usher to Henry the Eighth, according to contract passed on the 16th February, 1509, and confirmed by an *inspeximus* in the thirty-ninth year of that king's reign.

As this extensive fief had, from the date of the original grant, been dismembered and let in various parcels, it was difficult for Thomas Fachion to give an exact and full account of all the transactions connected with it. It is certain, however, that in the year 1406, John De Chesneye made a cession to Peter Le Marchant and Nicholas Blondel, of all that he inherited in the island from Rodolph de Chesneye, his father, and that document of conveyance specifies the fiefs of D'Anneville, De Carteret, and L'Espene, which transfer (so far as it regards the share of Peter Le Marchant,) included the portion of Jeannette De Chesneye, his mother, who had married Denis Le Marchant, lieut.-bailiff of the island. It is probable that the proportion of Nicholas Blondel devolved to him through some matrimonial alliance, there being no valuable consideration stipulated in the deed. That part of the original grant which has retained the name of D'Anneville, and came into the possession of Thomas Fachion, entitled the proprietor to

keep a warren, and conferred several feudal rights; but the most important branch of the old fief is called *Le Compte*, deriving its name from the Count of Anjou, afterwards King Henry the Second. It belongs to the *Le Marchant* family, who hold a feudal court on the fief and have a seal, on which is represented a count on horseback.

In an old manuscript, said to be a copy of an inquest drawn up by Fressingfield and Ditton, who, in the reign of Edward the Third, were sent over to the island to hold assizes, it is asserted that, in addition to the grants made to the Abbot of Mount St. Michael and Sampson D'Anneville, the duke also granted to John De Jerbourg a tenement in fee-farm, situate on the south part of the island, with a right for his heirs to pay their relief at the stated sum of sixty sols one denier, and do homage to the duke, and appointing the proprietor ducal cupbearer whenever the duke visited the island, and *châtelain* or governor of Jerbourg, which grant is corroborated by several authentic deeds.* The only question in doubt is, who this John De Jerbourg was. Many persons have imagined Jerbourg to have been a family name, but it is much more probable that it was a sort of title derived from his residing in or near the peninsula, for it is certain he commanded the castle. When it is considered that this fief, from very ancient times, has been in the possession of the Saumarez family, it seems reasonable to conclude that this John De Jerbourg was a John Saumarez, of Jerbourg, it being a general maxim that fiefs and extensive domains have originally taken their names from the first donee or proprietor, and the name in almost

* In the report of cases adjudged by Sir Robert Gardner and James Hussey, in 1667, it is stated in the cause of De Saumarez and Andros, as follows:—"We also find, by special inquisition made in the fourth year of Edward the Third, and by the extent made in the year then next following, that one Matthew De Saumarez did hold a place or castle called Jerbourg, now known by the name of the seigniory of Saumarez, with certain appurtenances which we find were never separated and ought never to be separated from the same; and that the said place or castle, with the appurtenances, was holden of the king, by relief of sixty shillings, and that the said Matthew and his heirs ought to serve the king as his third cup-bearer, so long as the king should be in the isle."

all instances remains unchanged, especially in grants of royal foundation, even though they should be alienated or sold. It ought also to be noted, that the fief of Saumarez is situate in the peninsula of Jerbourg, and the lands of the two estates adjoin each other: by the ducal grant they were made inseparable. If then the family name of the individual to whom the original grant was made had been Jerbourg, we may conclude that the land on which the lord's house was situated would have received the same title, but it is called Saumarez. Hence, we incline to think, that the first donee was not John De Jerbourg, but John Saumarez De Jerbourg. On this hypothesis the peninsula has continued to be called by its ancient name of Jerbourg, from *Cæsar's burgum*, and the fief composed of the whole, from the name of the first proprietor.

In a Court of Chief Pleas, held in Guernsey in presence of judges of assize, in the twenty-seventh year of the reign of King Edward the First, Matthew De Saumarez did homage for this fief, and in the fourth year of the reign of King Edward the Third, an application was made to the crown by a Matthew De Saumarez for the confirmation of his rights and prerogatives, as anciently enjoyed by his predecessors; whereon the king sent an order to John De Roches, guardian of the islands, to make perquisition into the subject, at the same time commanding that his royal assent should be given to the claims set up, if not found prejudicial to the crown or the rights of the inhabitants, who, as he was informed, had, with the consent of his royal father, fortified the castle of Jerbourg as a place of retreat and protection for their persons and property in case of invasion by the enemy.

In pursuance of that order, the guardian or governor caused twelve of the most reputable of the inhabitants to be examined by the bailiff, and they declared upon oath, that Matthew De Saumarez's predecessors held

their fief from the crown with certain privileges and immunities, in consideration of his services as keeper of the castle of Jerbourg, and that these privileges and immunities had always been inseparable from the office, in no respect detrimental to the crown, and advantageous to the inhabitants, who had the right of seeking shelter in the castle on any emergency. Among the incidents to this fief there is one too remarkable to be passed over unnoticed. Whenever the lord wished to cross over to Jersey, his tenants were obliged to convey him thither, on receiving three sols in money, and their dinner; but it does not appear that they were obliged to bring him back. The reason of this exemption seems to be, that the Saumarez of Guernsey also possessed a fief of the same name in Jersey, which still exists, though now belonging to a different family, and the Jersey tenants were probably under the same obligation as those of Guernsey. This fief, which, for the reasons assigned, seems originally to have belonged to a Saumarez, remained in that family down to 1553, when it came into the possession of Mr. John Andros, in right of Judith De Saumarez, his mother, and daughter of Mr. Thomas De Saumarez: since then it has reverted to the original family, whose property it is at this day.

We have dwelt long on the fiefs D'Anneville and Saumarez, because they furnish incontrovertible evidence that William the Conqueror took a great interest in this part of his dominions, and, taking the whole account together, it seems probable that he visited the island, for though the office of cup-bearer, granted to Saumarez, is no positive proof of the fact, yet, as these household offices generally were conferred by the dukes in person, the supposition seems to be highly probable. This duke is also said to have given lands to the Abbess of Caen, in consideration of the privileges he granted to the inhabitants, of sending their daughters to her convent for their education.

The conquest of England, by William, in no respect changed the constitution or government of the islands, which already formed part and parcel of the victorious duchy; and no doubt, as the invading army was collected from all quarters, some of the Guernseymen fought at Hastings. On his death, however, Normandy and England were severed, and placed under different sceptres, and they continued thus separate till Henry the First again united them, after having defeated his brother, Duke Robert, at *Tinchebray*, on the eve of Michaelmas day, 1106. Henry the First, ninth duke of Normandy, died on the 1st of December, 1135, leaving no issue male. His daughter Matilda was married to Geoffrey Plantagenet, earl of Anjou, by whom she had a son, Henry the Second. He, however, did not succeed his grandfather in the English crown, that being usurped by Stephen, count of Boulogne, but after a struggle with Eustace, son of Stephen, he was recognised by the barons of Normandy. That he was duke of the Channel Islands, the following evidence proves:—

We have seen an extract from an old register in the abbey of Cherbourg, in Normandy, which recites, that this duke, Henry, made a grant of the islet of Herm to certain religious persons, with the privilege of fishing, &c.; and though this document is without a date, and in other respects imperfect, he is therein simply styled *Dux Normanniæ et Comes Andegarviæ*; therefore he must have made this grant before he was king of England, and when he was merely duke of Normandy and earl of Anjou; and the fact also proves that Stephen, though in possession of the English throne, had no royal jurisdiction over this bailiwick.

Matilda, mother of the duke, being in great peril at sea in 1140, made a vow that if she escaped with life, she would erect a monastery on the place where she landed. She arrived safely at Cherbourg, and immediately sent for Robert, abbot of St. Helier's, in Jersey,

and committed to his care the building of this institution, which was called *Voto*, on account of the vow she had made, and Robert was appointed prime abbot of this monastery, without giving up St. Helier's, in Jersey, both establishments coming under the same head, and being afterwards united, which could not have happened, had the islands, during the usurpation of Stephen, been attached to the English crown.

Another instance, to prove that these islands belonged to the Duke of Normandy during the reign of Stephen, evidently appears in the perquisition made by royal commissioners in the year 1597, concerning the original titles of the fief D'Anneville, already noticed, in which they declare, that the lands granted by Duke William to Sampson D'Anneville had, by line extinct, devolved to Henry, earl of Anjou, in right of his mother. This last circumstance is of itself sufficient to demonstrate that the Channel Islands were not then under subjection to the kings of England, but that the inhabitants held unshaken fidelity to their dukes, though at war with the king of England.

During the contest between Stephen and Henry, the duke, apprehensive that the king might make some attempt on Guernsey, sent over Raoul, or Rodolph De Valmont, to put the island in a state of defence, and that officer raised a fortification on Cornet islet, which appears to have been the origin of the present castle. Many conjectures have been hazarded as to the true etymology of this word. Some have derived it from its formation, being broad at both ends, and bending in the middle, thus resembling a cornet or horn, but the manuscripts which record this transaction, distinctly state that this fortification was raised on the islet Cornet; therefore it must have had that name before the work was commenced. Others derive it from the family name of the Cornets, which, in ancient times, was very numerous, and

possessed a tract of land at the south end of the town, now built over, and called to this day *La Rue des Cornets*, or Horn-street. However, the best opinion seems to be, that the word is derived from a guard-house, then near to Rozel, in Normandy, called *Cor-Nez*.

Raoul De Valmont also fortified the tower of Beauregard, which stood on an eminence at the upper end of Horn-street, commanding the town and harbour, but of which no remains exist at this day; but it was visible, and indeed of consequence in the year 1460, as it appears by a commission addressed by the Earl of Warwick, governor of this island, to John Le Marchant, who was captain of the tower, or castle of Beauregard, dated the 22d of December of that year.

The expense of these works was raised on the inhabitants by an agreement with De Valmont, the condition being that they should always be free from any external taxes, by which we must understand taxes levied in Normandy Proper; and moreover, in consideration of a yearly rent of seventy livres tournois to be paid to the duke, it was stipulated that, for the time to come, they should be exempt from any service abroad, that is to say, out of their own bailiwick, unless it were to accompany the dukes in person for the recovery of England,—a proof that, in case of need, the services of the islanders were deemed highly valuable. This contract is confirmed by the extent of the customs and royal prerogatives, drawn up in the thirty-third year of the reign of Henry the Third, and it is the same rent which is mentioned in that of King Edward the Third, as well as in others, called "*Aide du Roi*," and it is assessed on the inhabitants to this day. This is consonant with the royal charters, in which it is expressly declared "that the inhabitants of Guernsey, Sark, and Alderney, are free from all expeditions of war, excepting the case in which the body of our sovereign, or the body of his

or her successor, or heir, should be taken prisoner by the enemy."*

When Duke Henry had succeeded Stephen in the throne of England, he appointed his youngest son John, earl of Mortain, lord and governor of the Channel Islands, and resigned, in his favour, the estates of Sampson D'Anneville, which grant was afterwards confirmed by his brother Richard on his accession to the crown. On the death of Richard, John usurped the throne, murdering his nephew Arthur, duke of Brittany, who, as the son of Geoffrey, elder brother of John, was the first in the royal line. Philip Augustus, king of France, availed himself of this atrocious murder to promote his own ambitious views. As Suzerain of Normandy, he cited John before the Court of Peers of France to answer for his crime; John disobeyed the summons, and judgment was pronounced against him by default. He was declared to have forfeited all right and title to Normandy, and as he was too pusillanimous to defend himself by the sword, the province was re-annexed to France in 1204. Whether the islands were included in this forfeiture by special name, cannot be ascertained, for it is a remarkable fact, that no authentic details of this memorable process have been preserved. Some priests and chevaliers attempted to foment an insurrection in Guernsey, but the principal inhabitants drove them out of the island, which continued loyal and obedient to King John, who seized the lands of all disaffected persons, and disposed of them in fee-farm rents to those who had espoused his cause.

King John, who had a peculiar regard for the islands, kept no doubt a great military force in

* *Homines totius insule communiter debent singulis annis, sicuti pro auxilio, sexaginta et decem libras tironem. Et per illas lxx libras quieti esse debent omnibus occasionibus, nisi tantum cum necesse fuerit ire cum corpore ducis Normannie ad Angliam recuperandam.* This privilege is confirmed in the Precept of Assize. After Normandy was separated from England, this yearly rent was made payable to the crown; formerly it was paid to the Exchequer of Rouen.

Guernsey and Jersey, but being short of treasure for the payment of his army, he sent an order to Peter De Prestel, dated the 24th of July, in the fifth year of his reign, for the lords of the fiefs to raise from their tenants sufficient sums of money for the defence of the island, and to deposit the same in the hands of Regnault De Carteret, to be appropriated to the maintenance of such soldiers, and others, as might be required for its defence. This order was no doubt arbitrary; but it ought to be considered that it was issued on a most urgent occasion, and there is every reason to believe that the inhabitants, who displayed the most devoted loyalty to this prince, submitted to the tax with alacrity and cheerfulness.

After the conquest of Normandy, from whom these islands originally received their judges, it became necessary for King John to provide some other mode for the administration of the laws. He accordingly established, in each, a jurisdiction of its own, to do justice between his majesty and his subjects, the king being confident that, by placing this authority in the hands of the islanders, it would be the best security for retaining them under the subjection of the English crown.* King John was so anxious for the welfare of the islands that, in consideration of their proximity to the coast of France, he inserted a clause in his Institutions of the Royal Court, to the following tenour: "That, to secure the safety of the island and castle, a master of the port should be appointed, in order that the harbours might be well kept, to prevent any damage to his majesty or his subjects." This clause was not intended merely to protect the inhabitants against invasion, but also to protect the fisheries, which were then very considerable, and yielded a great branch of the royal revenues, especially in the article of salted congers. Indeed, however guilty

* With the particulars of this arrangement the reader will be made acquainted in the chapter on the "Civil Jurisdiction of Guernsey."

John was to the Normans and English, he was the best friend the islands ever possessed, as the founder of their present freedom and happiness.

Falle, in his History of Jersey, alleges that, at the Pleas held in that island, in presence of John Fressingfield, one of the judges sent over to the island by King Edward the Second, it was set forth by William Dumaresq, the king's advocate, that Philip Augustus of France had twice ejected King John out of these islands, who had twice reconquered them. That author judiciously observes, that "this was spoken after the usual manner of complimenting princes, to whom victories and successes are ascribed in which they have seldom had any personal share." There is indeed no truth in the assertion. Had Philip Augustus ever possessed himself of these islands, John was too weak to have recovered them, for he could scarcely maintain the dignity of his crown. It has already been stated that, after the murder of Arthur, Philip declared, in the Parliament of Paris, that John had forfeited his claim to Normandy, and that he ejected him by a judicial decree; but these islands were at that period part and parcel of Normandy, so that we must understand that John was not expelled *de facto* by the sword, but *de jure*, by sentence of the Peers of France.

It is stated, in an old manuscript, said to have been drawn up by John Fressingfield and John Ditton, that Guernsey was not at this time reduced by force of arms, which confirms our view of this ejection by Philip Augustus; but in the latter end of King John's reign, the island was afflicted with great mortality, when the Normans attempted to surprise it, but were repulsed. It is however asserted, that Castle Cornet fell into their hands through the negligence of the captain, who had failed to supply it with ammunition. But it appears that this misfortune occurred in the following reign, though by the courage of the inha-

bitants it was soon recovered and was again subject to Henry the Third, who authorised the bailiff and jurats, for the future, to inspect all the castles, and see that they were at all times fully supplied with necessities.* This authority was confirmed from time to time by succeeding monarchs, and it subsisted up to the reign of King Charles the Second, when all the castles were placed under the controul of the Board of Ordnance.

The only question not clearly settled is the precise time of this invasion, which is not mentioned in the manuscript of Fressingfield and Ditton, otherwise than by the general word "heretofore." Some have thought that it took place under the reign of Edward the First, but this is mere conjecture, and no proof or authority is adduced in its support; nor does it in any sense seem probable, for though Guernsey sustained a severe attack about the year 1295, it does not appear that the castle was then reduced, but rather the contrary, as the following circumstance attests.

The effects of one Jane Le Guay, widow to Rodolph Le Mercer, had been carried into the castle for safe custody by her brother John, who was slain in the action. After the enemy had been repulsed, the governor seized the property of the widow, and appropriated it to his own use. She lodged a complaint, whereon the king, in 1296, sent his mandate to the governor, commanding him to restore all the goods of Jane Le Guay. Now, had the castle been captured, the enemy would no doubt have carried off all the plunder, but the restitution made to this woman clearly shows that, though the island was attacked, the castle was never surrendered. It is further to be observed, that in many other orders from the king, issued on behalf of the inhabitants, and much to the same effect as the preceding one, no mention what-

* *Précepte D'Assize.*

ever is made of the castle, but, on the contrary, they all refer to the surviving relatives of those who lost their lives on the occasion ; consequently there is no probability that this could be the invasion noticed in the Précepte D'Assize, and this strengthens the statement in the manuscript cited, which fixes it in the reign of Henry the Third. Falle quotes an extract from an old record which seems to allude to this invasion, in which it is stated that the king, under apprehension of danger to this island, directed his royal mandate to the barons of the Cinque Ports to go to their assistance on the first notice from the governor, saying that they highly deserved his protection for their loyalty and fidelity.* Falle conjectured from this language that the islanders had joined some vessels belonging to the Cinque Ports, under the command of Philip D'Aubigny, governor of Guernsey, when some time before he defeated Prince Louis, son of Philip Augustus, at sea on his way to reinforce his army in England ; but this supposition is very objectionable, for it is not to be supposed that the inhabitants of the islands, so contiguous to the French coasts, and constantly in danger of being surprised, would have left them exposed to hostile attacks by embarking in a foreign expedition, more especially as they were exempted from this service by their privileges, on the ground of their being obliged to defend their own territory. It is most probable that these kind and flattering expressions of King Henry the Third were made use of in consideration of the services rendered by the natives to his father King John, and particularly as a token of gratitude to the Guernsey-men, who, under his reign, recovered Castle Cornet from the French.

The few fragments of the history of this king's

* Mandatum est baronibus de Quinque Portibus, quod si opus haberit Ricardus Grey Custos Insularum, et illud eis scire faceret, in ejus auxilium veniant; ita quod Dominus Rex eos (Insulanos) merite debet commendare, cum gratiarum actione. Teste rege apud Westm. 16 die Maii. Ann. Regni x.

reign which relate to the islands, show that he had a very great regard for them, for though reduced to the necessity of relinquishing his pretensions to Normandy, yet, in his treaty with King Louis of France, he took particular care that they should be reserved with the province of Gascony. Besides the political attachment the king manifested for these islands, no doubt he also paid particular attention to them, as being the *apanage* of Prince Edward, his son. It appears by an *Inspeximus*, drawn up under the reign of King Henry the Fourth, that this Prince Edward granted by charter to William De Chesneye the right of keeping a warren, both in Guernsey and Jersey, which charter was dated the 9th of June, in the forty-fifth year of his father's reign; therefore, he must have held these islands by an independent authority during his father's life. We shall now proceed to his reign.

Soon after Edward the First ascended the throne of England, some commotions arose in most, if not in all, of the Channel Islands, whereupon John Wigger and Rodolph De Brochton were, by a royal commission dated the 11th of October, 1274, authorized to make an inquiry into the behaviour of the jurats and inhabitants of Guernsey, Jersey, and other isles adjacent to the coast of Normandy, and, in case it should appear to them that any of the said jurats had committed acts prejudicial to the royal prerogative, these commissioners were empowered to eject them from their offices, and sentence them to such further punishment as they deemed fitting, subject, however, to the king's revision and pardon. Though the subject of these broils is not particularly mentioned, yet, by the tenour of the order, there is every presumption to believe that it must have been connected with the royal prerogative, proceeding most likely from the imperfect state of the Extents of that time, for, within a month after the date of this commission, separate

Extents were drawn up for Guernsey, Alderney, and Sark, and no doubt but similar measures were adopted in Jersey. However, it seems that the people of Guernsey justified themselves against every imputation of rebellious conduct, for these commissioners, observing that the island required a good harbour for the encouragement of trade and navigation, made such a representation of this necessity to the king, that he authorized the bailiff and jurats, by his royal order, dated the 2d March, 1275, to lay and impose on all loaded ships coming into the said harbour a duty of twelve sous tournois, and on all boats six sous tournois, to be applied to the erection of a wall on one side of the harbour, in order that ships might be protected against the vehemency of the weather, and that strangers might be encouraged to frequent the port, which wall now constitutes the south pier. If these twelve sous tournois were of the same value as those mentioned in the Extent of Sark, under the name of sols tournois, it must have been a heavy duty, since a quarter of wheat was therein estimated to be only worth six of them. However this may be, the great trust reposed in the magistrates is a convincing proof that they had cleared themselves of all suspicions of disloyalty, and that the king was well satisfied with their conduct. As a further proof of this monarch's esteem for the islanders, it may be remarked that he granted a public seal to each of the Royal Courts of Guernsey and Jersey.

We might here notice some other abstracts on record, of events that occurred in the island at this date, but as they relate to disputes between individuals, they do not possess any general historical interest; we shall, therefore, proceed to notice the severe attack, before alluded to, which Guernsey sustained, and in which many brave men lost their lives, as appears by several orders from Edward the First to Henry Cobham, governor of the islands, all bearing

date in the twenty-third year of his reign. The object of all these orders was to redress many grievances suffered by the people during the invasion, such as the restoration, to several persons, of the estates of their fathers and other relatives who had been killed, and which had been illegally seized and retained by the governor. Others were framed on behalf of the clergy, who had sustained damage by being deprived of their tithes; but the principal order declared that those who had signalized themselves in the defence of the island, should be rewarded by being put into possession of all lands, rents, and effects, which had formerly belonged to fugitives and deserters. These fugitives and deserters, as it appears from Riley, were persons who held lands, both in the island and France, and whenever war broke out, they were in the habit of retiring to the continent and giving information as to the weakest points of the coasts; but when peace was restored, they used to return and claim their rents, and the enjoyment of all such franchises and liberties as belonged to permanently resident Guernsey-men.

Nor were these the only acts by which Edward the First testified his good feelings to Guernsey. He cited Otho De Grandison to appear before Parliament, to answer for his unjust proceedings against the inhabitants. In fact all his orders are replete with royal justice, and prove the devoted loyalty of the inhabitants and the gratitude of the sovereign. It would be gratifying, indeed, could we speak as favourably of that king's successor, but, during the next reign, the islands, as well as England, were grossly oppressed, their laws infringed, and their constitutions violated, most of which evils, so far as Guernsey was concerned, originated in the arbitrary government of Otho De Grandison, who imposed many additional burdens on the people.* They were

* Otho De Grandison, lord or governor of these islands in the reigns of Edward the First

also severely injured by the judges of assize, who frequently came over, and had no respect for the rights and privileges of the island, but subverted all established customs. Not only public grants, but private inheritances and properties were called in question, and no man was secure in retaining what he possessed. All these grievances remained unredressed till the more propitious reign of Edward the Third.

In the reign of Edward the Second, many different species of coin were received by the merchants of Guernsey in the way of trade, and that king, in the third year of his reign, sent an order to John Des Roches, governor of the islands, to receive the revenues of the crown in whatever coin was circulated. But the Extents being still very imperfect, several commissioners, about two years afterwards, were appointed to make up one more diffused and distinct than the old ones, as well as to examine into many grievances complained of by the inhabitants, and in order to guard against future errors, and render future impositions, if not impossible, at least very difficult of accomplishment, a fiscal code was drawn up in conformity with ancient customs, as established by King John, called the *PRÉCEPTÉ D'ASSIZE*, wherein the authority of the Royal Court and its right of jurisdiction are fully confirmed.

The war which arose between King Edward the Third and Philip of Valois, for the succession to the crown of France, gave the enemy an opportunity to attack the island of Guernsey; for while Edward was prosecuting his conquests in Flanders, Philip, in order to make a diversion and prevent supplies being sent from England, recalled his troops from Marseilles, who, being joined by some Genoese, Castilians, and other levies raised in Normandy and the neighbouring provinces,

and Edward the Second, forced an impost on congers salted for exportation, and it amounted to four hundred livres tournois (fourteen of which specie made a pound sterling,) by the year, at only one penny tournois for every conger above ten pounds weight so salted and transported. This was, however, an illegal act of an arbitrary governor, for which his widow suffered severely in Edward the Third's time. (Dicey, p. 172.)

were placed under the command of Nicholas Bahuchet and Hué Queriet. These officers fitted out a formidable fleet, and for two or three years infested the channel, plundering and ravaging many towns on the coast. At last they made a descent on the Channel Islands, but met with great resistance; however, their superiority of numbers enabled them to get possession of Guernsey.

Falle, in his History of Jersey, on the bare authority of a very questionable manuscript, has expatiated largely on this unhappy catastrophe, and paid many compliments to his own countrymen at the expense of the people of Guernsey. He says that the French retained their conquest for three years; that the deliverance of Guernsey being too great an enterprise for the Jerseymen single-handed, they could not effect it, but hearing that a fleet was ready to sail from England with reinforcements for the king, who had given orders to the commanders, Raymond De Cobham and Geoffrey D'Harcourt, to attempt the liberation of the captured island, the Jerseymen raised a sum of six thousand four hundred marks for that service, joined the fleet, and assisted in expelling the enemy. According to Falle, many distinguished Jerseymen fell on this occasion, among whom he enumerates the Sieurs De Vinchelez, De Maltravers, Des Augrez, De Garis, De La Hougue, Lemprière.

After a careful examination of this account, it appears that the only part of the narrative which is true, is the simple fact of Guernsey having been captured and kept possession of by the French admirals, and that all the rest is apocryphal, for the following reasons.

In order to proceed more methodically, we shall endeavour to demonstrate, first, that Guernsey was captured before 1339; secondly, that it was rescued from the enemy before the month of December, 1340; and, thirdly, that Geoffrey D'Harcourt, who was a

Norman nobleman, could have had no employment in the British navy before July, 1346, to which we shall add some general reflections.

Falle, in the first edition of his history, fixed the loss of Guernsey in 1339, but finding that he could not reconcile that date with the time at which Geoffrey D'Harcourt passed over into England, he thought proper, in his second edition, not to be so particular in his dates, and merely states the fact without mentioning the year in which it happened. Some authors assert that, in the year 1339, the French fleet, commanded by Bahuchet and Queriet, landed at Southampton, which town they plundered, and then took several islands. Though these islands are not specified by name, no doubt Guernsey was one of them, as it stands in the direct passage to Southampton. After they had reduced it, they left a sufficient garrison to retain possession, and then proceeded to Jersey with the remainder of their forces. In this enterprize they failed. In the same year, Sir John De Ferrers, captain or governor of Jersey, sent over a deputy from England to that island, to whom certain directions were given for its defence, and he also brought out an order addressed to the bailiff and jurats, commanding them to seize the effects of William Payne, a magistrate there, who had joined the enemy, and to elect another in his place. Parliament being alarmed at these attacks by the French, represented to the king the urgent necessity of strengthening the navy and keeping the command of the sea, and specially implored him to defend the islands of Guernsey and Jersey. This application of Parliament was probably the reason why the king, at this time, sent a letter to the bailiff and jurats of Jersey, in which, in terms the most affectionate, he commends their loyalty and assures them of his royal protection. All these circumstances, being concurrent with each other, are sufficient proofs that Guernsey must have been cap-

tured at the commencement of 1339, or a very little time anterior to that date. We shall now examine when, and how it was recovered.

At the same period at which the king sent his letter to Jersey, he was equipping an expedition, not only to carry himself and his troops to Flanders, but also to oppose the French by sea and drive them out of the channel. This armament was attended with complete success, for, on the 23d of June, 1340, he fell in with the fleet of Bahuchet, consisting, it is said, of three hundred sail, all of which he either sunk, burned, or captured. The slaughter was immense,* and Bahuchet himself was hanged at the main yard, as a punishment for the ravages and cruelties he had committed on the English coast. Now, it is not to be supposed that the king, after having gained so decisive a victory, would have violated the promise he so recently made to the people of Jersey, at the request of his Parliament. No doubt it was chiefly with a view to redeem his pledge that, after landing his troops at Flanders, he ordered his fleet, under the command of Sir Thomas Morley, to cruize off the coast of Normandy, where we find, in general terms, that he captured many vessels and destroyed several towns and villages; and though Guernsey is not specially mentioned, it cannot be presumed that this island, after what has been remarked of the kindly disposition of Edward, would have been left by his naval commander in the hands of the enemy, or that he would have neglected its rescue, in order to pillage a few towns and villages on the French coast.

While his admiral was scouring the channel, Edward was seizing several places by land, and laid siege to Tournay, when King Philip, being apprehensive that he could not successfully continue the war,

* Et furent les Normans, et tous les autres François, desconfits, morts, et noyés; et oncques pied n'en escappa, que tous ne fussent mis à mort.—(Chronique de Froissart.)

employed the Countess of Hainhault, his sister, and mother-in-law to Edward, to intercede and endeavour to negotiate a peace. Her entreaties and influence prevailed, and a truce for nine months was concluded on the 25th of September, 1340, to last till the 25th of June, 1341, but, by the intervention of the pope, it was afterwards continued for two years longer. The purport of the truce was to the following effect: "It is agreed, that if any of the confederates or generals of the two kings shall lay siege to any towns in Gascony or Aquitaine, or in Guernsey or Jersey, such sieges shall be instantly raised after this truce shall have come to their knowledge."* Hence, it is clear that the deliverance of Guernsey, either by stipulation in this truce, must have been guaranteed, as it was ratified within three months after the defeat of Bahuchet, or it must have been previously relieved by the squadron of Sir Robert Morley, when cruising on the coast of Normandy, in confirmation of which we appeal to the following vouchers.

The first to which we shall allude is a certificate signed by the Royal Court of Jersey, under the seal of that island, and addressed, in December, 1340, to John Le Marchant, wherein the bailiff and jurats acknowledge his great services in defending their island and castles against the enemy, who had made several attempts upon them; and they further admit that, without his assistance, they would most probably have been subdued. Possibly he possessed great military genius, or he might have commanded such Guernsey-men as were then in Jersey, who had escaped from their own island after its capture, and there sought refuge.

If we examine the whole tenour of this certificate, we can easily discover the motives which prompted

* *Ensy accorde es qe si aucuns dez roys, par leurs gentz, oue leurs aliez, oue coadjutours, aucuns seges soient mis en Gascoine, en la duché D'Aquitaine, oue en altres yles de mer, en Gerneseye et en Geneseye, oue ailleurs, les seges se leveront si tost comme les trevez vendront à leur consaunce.*—(Henry De Knyghton.)

Le Marchant to obtain it. His object manifestly was to show that, though he had been driven out of Guernsey, he still waged war against the king's enemies, for without this voucher he might have been deemed a runaway, and so have forfeited his estates. He obtained the document in 1340, and therefore it is absurd to suppose that Guernsey still remained in possession of the French, for of what use would the certificate have been to him, had the island been held by the enemy? Surely the French government would not have restored his property on the strength of a document which declared him to be the principal defender of Jersey!

The next circumstance worthy of notice, is a letter from the king, addressed to his treasurer and chamberlain, dated the 2d of June, in the fifteenth year of his reign, in which he orders him to examine the rolls drawn up by Robert De Scarborough and his associates, judges of assize, on their last visit to the islands, that he might have an accurate knowledge of their contents. These rolls, consisting chiefly of the Precept of Assize and EXTENT of the Revenues of the Crown, show that the king's intention was to restore their ancient customs and liberties to the inhabitants, the charters and titles of which he apprehended had been destroyed by the French, when possessed of the island; for, about a month afterwards, he granted his royal patent of confirmation of all the insular privileges, an abstract of which is contained in an *IN-SPEXIMUS* of the reign of Edward the Fourth.

Many letters were at this time sent to Thomas De Hampton, governor of the islands, by the king, which, though treating on various subjects, allude frequently to the capture of the island, and the brave defence of the inhabitants. We shall notice three of them, all dated the 30th of January, 1341, in the fourteenth year of that king's reign. The substance of the first prohibits the exportation to France of any provisions

or warlike ammunitions under pretence of the truce then existing. The second contains an order to seize and appropriate to the king's benefit all such estates, tenements, and effects, as might be found appertaining to fugitive Normans and deserters. The third directs that quarters, in time of war, should be appointed for the inhabitants, each according to his rank, in the castle of Jerbourg.

The certificate of the bailiff and jurats of Jersey to John Le Marchant, and these three letters, prove beyond a doubt that, in 1341 at the latest, the French had been expelled, even if we had no other proof than the third letter relating to Jerbourg, for, had the French been in possession of the island, that order would have been absurd. Thus, then, it has been clearly shown that Falle was misled by the manuscript which asserts that the French held Guernsey for three years.

It remains to be proved that Geoffrey D'Harcourt could not have had any rank in the English navy, as stated by Falle, when he erroneously affirms that the Jerseymen joined his fleet and liberated Guernsey, for he did not come into England till at least two years after the time when Falle makes him an English admiral. But, for the sake of perspicuity, we must first trace back this subject to its origin, to show that this Harcourt was a Breton, and under what circumstances, and at what time, he left his country.

In the month of April, 1341, John, duke of Brittany, died without issue. This event caused very great contests between John De Montfort, his brother, and Charles De Blois, for the succession to that duchy. The latter, apprehensive that a strong party was formed in the province to oppose his claims, summoned his competitor before the king and Parliament at Paris to have their differences decided, when, after much debate on both sides, the duchy of Brittany was assigned to Charles De Blois on the 7th of

September, 1341. John De Montfort then solicited and obtained the support of Edward the Third of England, on which he refused to submit to the sentence of the French king, and determined to maintain his claim at the point of the sword. In the beginning of the year 1342, Charles De Blois entered Brittany at the head of a considerable army, with the decree of Conflans in his hand, in order to make good his title. This was the commencement of those hostilities which ravaged that province for many years.

Though the truce still subsisted between France and England, it did not prevent King Edward, who had in view the recovery of Normandy, from taking advantage of these dissensions. He supplied John De Montfort with auxiliary troops, and, at the same time attached to his own personal interests as many as he could of the nobles and principal persons of Brittany, several of whom being accused, in 1344, of having joined the English party against Charles De Blois, were beheaded by Philip De Valois.

Geoffrey D'Harcourt, though but a younger brother, was baron of Saint Sauveur Le Vicomte, and other places in Normandy. Although this nobleman was high in favour with the French king, he suddenly incurred his displeasure, being suspected of supporting John De Montfort. Fearing to undergo the same punishment which had been inflicted on so many others, he resolved to retire from the reach of Philip, and, accordingly, sought refuge with the Duke of Brabant, with whom he remained some time; and, in 1345, or early in 1346, he arrived in England. D'Harcourt had not been there long before he heard that a great expedition was fitting out against the French, and, anxious to avenge himself on those who had betrayed him to Philip, he obtained permission from King Edward to accompany the fleet, in which many persons of distinction had embarked, among whom was Prince Edward. They set sail from Eng-

land in June, 1346, and landed at La Hogue on the 1st of July, where the king appointed D'Harcourt one of his generals. Soon afterwards the famous battle of Crecy was fought, in which this nobleman commanded a division of the English army, which attacked a division of the French army, commanded by his eldest brother, John D'Harcourt, who was slain. Notwithstanding the injuries Geoffrey had done his king and country, he was not long before he made peace with his sovereign. It is said that, after the battle of Crecy, he was so affected at the distressed condition of his native land, that he went, with a halter round his neck, to Philip, threw himself at his feet, and obtained his pardon.*

This succinct narrative of Geoffrey D'Harcourt shows that he exiled himself during the civil war that raged in Brittany, caused by the rival pretensions of John De Montfort and Charles De Blois; but that duchy did not become vacant before the month of April, 1341, and the decree of Conflans, in favour of Charles, was not promulgated before the 7th of September following. Now, the certificate granted by the bailiff and jurats of Jersey, to John Le Marchant, is dated December, 1340, and the three letters above alluded to are all dated the 30th of January, 1341; therefore, it is not only clear that Guernsey was free from the French at that time, but it is proved, beyond doubt, that Geoffrey D'Harcourt could not have been in the British service at that time, nor till nearly six years afterwards, and consequently he could not have taken any share in defeating Bahuchet and Queriet. Thus, then, we have established the three points we undertook to demonstrate, showing that Guernsey was neither occupied by the French for three years, nor rescued from them by Jerseymen. It is not unlikely, however, that the English fleet, in 1346, on board of which Regnault

* *Essais Historiques sur Paris*, par St. Foix.—T. 3. p. lii.

De Cobham was embarked, might have touched at Guernsey, either being driven thither by stress of weather, or with a view to examine the state it then stood in, especially as Castle Cornet, in the preceding year, had been taken by some Spanish galleys; but as it was very soon surrendered to Thomas De Ferrerres,* governor of the islands, on a letter of indemnity from King Edward to the Spanish commander, this circumstance cannot have the slightest connection with the capture of the island by Bahuchet, and its subsequent recovery.

In reference to the pretended rescue of Guernsey by the Jerseymen, one minor point remains to be noticed, we allude to the contribution of 6,400 marks, alleged to have been raised in Jersey for its recovery. In those days the mark was estimated at the Scotch standard, and valued at $13\frac{1}{2}d$. Falle's computation of the governor's revenue in Jersey makes a livre tournois equivalent to £1 sterling; this would amount to 86,400 shillings, and as a shilling went current in that island for one livre and two sols, it would, at that rate, amount to 95,040 livres; but the livre tournois, says Falle, was then equal to £1 sterling, consequently the amount raised by the Jerseymen must have been £95,040 sterling. The statement thus carries its own refutation along with

* Rot. 14. Edw. 3. prs. 3. m. 46.—A proclamation, dated August 3, at Berkhamstead, to the sheriffs, mayors, bailiffs, &c., to arrest, man, and victual ships in Portsmouth harbour, and all the other ports and towns upon the coast westward; to transport Thomas Ferrars, knight, with his armed force going to the relief of the inhabitants of Gerneseye, Jersey, and Dureny, at that time in danger from the enemy's fleet of galleys and ships of war.—Harleian Manuscripts, 4583, p. 432.

The indenture made the year before, between the king and council and Thomas Ferrars, knight, for the defence and reparation of the fortifications of Gerneseye castle, is very curious and worthy of insertion.

Anno 13. Edw. 3. m. 32 (1339).—Item, fait à remembre que Monsieur Thomas De Ferrars ad empris d'envoyer saunz delay un homme suffisant au chastel de Guerneseye, pour sursur les defeutes et l'état de meisme la chastel; pur pleinement certifier ent au conseil, et en moen temps de trover gages à ceux qui y demureront en garnisons illeques, tant que la sone de cent livres, et le dit Monsieur Thomas ferroit pourvoir tote mancre de morte garniture pur le dit chastel, disore selon ce qui est requis par les messages du dist chastel. Et l'Ercevesque Canterburic et le Trésorier sont accordez, coment que serra fait à dit Monsieur Thomas trente tonneaulx de pomadre, cinquante quintals de fer, deux quintals d'acier, pur le meisme garniture; et pur ceo que Guillam Pein, un des juretz de l'isle de Guerneseye est alors contre defens à les enemys: soit brief mande as bailiff et juretz de meisme isle de eslire un autre suffisant en son lieu, et de seiser ses terres, biens, et chattels en la main le roi à respandre ent les issues.—(Harl. MSS. No. 14, p. 58.) From the context it would appear that the word *pomadre* means gunpowder.

it, for such a sum would have maintained a large army for a considerable time, whereas, it is not probable that Jersey could have mustered two thousand militia, neither could any such expedition, considering the proximity of the islands, have taken up sufficient time to render it so expensive. Moreover, it is not to be supposed that an island, which had been so recently distressed by the enemy, and reduced to such imminent peril, as is acknowledged in the certificate given to John Le Marchant, could be in a condition to assist their neighbours, either with money or men, more especially, as at this very time, greater dissensions existed between Thomas De Hampton, the governor, and Henry De La Mone, his lieutenant, on the one part, and among the inhabitants themselves, on the other part, arising out of mutual recriminations as to the mode of conducting the war; and so fierce was this schism, that the king appointed royal commissioners to examine the case, with a special command to the governor and his lieutenant, if found guilty, to appear before the council, that their effects might be confiscated, and themselves punished.

Notwithstanding the several truces agreed upon at different times between the English and French, they were so ill observed that the war may be said to have continued till the 8th of May, 1360, when a definitive treaty of peace was signed between the two nations, by which Edward the Third ceded to the king of France the province of Normandy, but specially reserved to himself the possession of the Channel Islands. This treaty was respected up to the year 1369, when Charles the Fifth, having succeeded to the French throne, declared war against Edward, the close of whose reign was not so marked by victory as the commencement. Charles, receiving intelligence that the Earl of Pembroke had sailed with a fleet of forty ships to protect the town of Rochelle, which held out for the English, fitted out a considerable

naval armament, of which he gave the command to Yvon, or Evan, De Galles, a pretended prince of Wales, who had sought refuge in France when that principality was annexed to England. Henry, king of Castile, at the same time sent vessels to join the French, and their united forces, meeting the English, gained some advantage.

Yvon De Galles, according to Froissart,* set sail from Harfleur with four thousand fighting men, and landed in Guernsey: popular tradition has named this invasion "*La Descente des Saragousais.*" Buchon fixes the date in 1372.† The first encounter took place at Vazon Bay; but the Guernseymen, only amounting to eight hundred, were defeated, and retreated in the direction of Castle Cornet. They made a stand on the ground on which New Town is built, which maintains to this day the name of "*La Bataille.*" Edmund Rose, the governor, fortified himself in Castle Cornet, and repulsed all the attacks of the enemy to dislodge him from that fortress. The king of France, hearing of this obstinate resistance, and despairing of success, ordered Yvon De Galles to evacuate the island, and sail for Spain. Thus, Guernsey was liberated after sustaining a loss, it is said, of four hundred men.

We have now arrived at the reign of Richard the Second, son of Edward the Black Prince, and grandson of Edward the Third. In the first year of his reign, a barbarous confederacy was entered into between the kings of France and Castile, the object of which was utterly to destroy the Channel Islands, as well as the Isle of Wight, by reducing all the houses to ashes, uprooting all the trees, and committing every fiendish act of spoliation that can be imagined. To carry this truly infernal design into effect, the king of Castile bound himself to furnish twenty gallies, each of them to have on board ten men at arms, thirty

* *Chroniques*, v. 2. c. 31. † *Collection des Chroniques Nationales Françaises*.

relates that the French occupation continued till the accession of Edward the Fourth, when Sir Richard Harliston, vice-admiral of England, arrived in Guernsey with some English ships, and immediately received intelligence from Philip De Carteret, that he had the greatest possible difficulty in preventing the whole island being subdued by the enemy; whereupon, continues Falle, the admiral, leaving his ships in Guernsey roads, hastened privately to Philip De Carteret, and had an interview with him at his manor of Saint Ouen, where they had a long consultation as to the best mode of recovering Mont Orgueil Castle.

It seems strange that the admiral should have left his squadron in Guernsey roads, and ventured without forces to land on an island, the greater part of which was in possession of an enemy, to say nothing of the danger of his being captured on the passage. However, shortly after this real or pretended interview, the British squadron proceeded to Jersey, and blockaded the French by sea, while the natives invested them by land. The French, being thus surrounded on all sides, were desirous of obtaining succour from the main land, but the difficulty was how to communicate with Normandy. According to Falle, they adopted the following scheme, which is sufficiently curious to merit some remarks.

Though the besieged wanted but one boat to convey intelligence of their position to their countrymen, they caused two to be built, one openly on the ramparts in view of the besiegers, another near to it, but concealed from sight. The workmen were ordered so to time their blows, that from the hostile camp no sound might be heard but what might be supposed to proceed from the boat on the rampart. By this device, the boat removed from view was finished, while the workmen were still busy about the other. The Jerseymen, not ignorant what the boat was intended for, but having no suspicion of any other than the one

that was visible, the scheme would have succeeded, had not an islander, whom the French had constrained to work for them against his will, shot an arrow, with a letter tied to it, into the camp of the besiegers, by which means the stratagem was disclosed. The letter stated, that on the following night the finished boat would be lowered down from the walls into the sea, and this being communicated to the admiral of the English fleet, a sharp look out was observed, and the boat intercepted.

This account of Falle appears to be fabulous. At the time the event is said to have taken place, the French were in possession of six parishes in Jersey, so that they had plenty of places in which to construct a boat, thus rendering all the caution and craft above described utterly unnecessary. We might not have enlarged so much on this very idle story, had not Falle appeared to have put it forth with a view of ascribing the deliverance of Mont Orgueil Castle to the Jerseymen alone, for he has not the candour to acknowledge the assistance rendered by the Guernseymen, although they had a considerable share in the honour of its recapture.

Edward the Fourth, in the first year of his reign, which was shortly after this event, not only confirmed the patent of King Richard the Second in favour of the inhabitants of Guernsey, but greatly enlarged its provisions, *in consideration* of the great dangers they had encountered, and the heavy losses they had sustained at the reduction of Mont Orgueil Castle, which charter was afterwards confirmed by those of Queen Elizabeth and King Charles the Second.*

During this reign, the privilege of neutrality was granted to Guernsey. Edward, when in profound

* Henry the Seventh, when earl of Richmond, visited Jersey, and he mentions the courage and zeal of the Guernseymen in his charter, and a patent under the great seal of England is extant which names ten Guernseymen and five Jerseymen who most distinguished themselves at the recapture of Mont Orgueil Castle. John Perrin, John Fyot, William Duport, J. Rougier, Thomas De Havilland, Lawrence Carey, William Maingy, Reynold Agenor, Richard Cosins, and Nicholas De Lisle, of Guernsey; Peter Le Serkais, Peter Tehy, John De Soulesment, Nicholas Le Petit, and John Le Moigne, of Jersey.

peace with all the powers of Europe, most probably took into his just consideration the melancholy fate to which the islands had been subjected during preceding centuries, exposed as they were to the calamities of war from their proximity to the French coast. To prevent the recurrence of such misfortunes, and ensure peace and tranquillity for the future, the privilege of neutrality was graciously conceded.*

The reigns of Edward the Fifth, and Richard the Third, furnish no materials of historical interest concerning the islands. During the long reigns of Henry the Seventh and Henry the Eighth, they remained unmolested. Both these last monarchs granted an *Inspecimus* of a papal bull, which confirmed the privilege of neutrality, as well as some others containing several charters conceded to the inhabitants by their royal predecessors, and which Henry the Eighth caused to be confirmed by Parliament.

Shortly after the accession of Edward the Sixth, the French fitted out a naval squadron, having on board two thousand troops, and seized the small island of Sark, at that time nearly deserted; for the monks and friars, who had been its principal occupants, retired to France at the reformation. Having left a garrison in their newly acquired conquest, they sailed over to Guernsey in the night, hoping to surprise it, but Captain Winter's ships, then lying in the roadstead, fired into the enemy, as well as the artillery from Castle Cornet. The roaring of the cannon roused the townspeople, and news of the attempted invasion was quickly spread through the country. The whole population was quickly under arms, and a division of the enemy, which had landed under cover of the darkness, was soon repulsed and driven to their boats. This bad success, however, did not deter them from trying their fortune in Jersey, where they met with a similar reception, being obliged to retire

* This subject is fully treated of in the Chapter on the Commercial History of Guernsey.

with the loss of about a thousand men in the two actions.

While Sark remained in the hands of the French, the inhabitants of Guernsey and Jersey were, by their proximity to it, obliged to be constantly on their guard until the beginning of the reign of Queen Mary, when it was recovered. The temporary loss of Sark was probably the reason why Sir Leonard Chamberlayne, governor of Guernsey, caused some additional works to be raised on Castle Cornet.

The singular stratagem by which Sark was recovered merits notice. There are some slight variations in the different accounts recorded, but that of Sir Walter Raleigh, who was governor of Jersey about fifty years after the event happened, best accords with popular tradition. He made, however, one important error, which it is necessary to correct: he fixes the *loss*, instead of the *recovery*, of the island, under the reign of Mary.

Sir Walter says, that the island of Sark, contiguous to Guernsey, was, in Queen Mary's reign, surprised by the French, and could never have been recovered by *strong hand*, having cattle and corn upon the place to feed as many men as were required for its defence, and being so inaccessible that it might be held against the *Grand Turk*; yet, by the ingenuity of a gentleman of the Netherlands, it was regained. He anchored in the road with one ship, and pretending that the merchant, who had freighted it, had died on board, besought permission of the French to bury him in consecrated ground, and in the chapel of the island, offering them a present of such commodities as he had on board. This request was granted on condition of the Flemings not landing armed with any weapon, not so much even as a knife. All this was assented to; whereupon a coffin, not containing a dead body, but swords, targets, and arquebusses was put into the boat. The French received the

mourners on their landing, and searched every one of them so narrowly that they could not have concealed a penknife. The coffin was drawn up the rocks with some difficulty. Some of the French, meanwhile, took the boat of the Flemings, and rowed to their ship to receive the promised commodities, but as soon as they got on board, they were seized and bound. The Flemings on land, after having carried the coffin into the chapel, shut the door, and, taking out the weapons, fell upon the French, who ran down to the beach, calling on their companions on board the vessel to return to their assistance ; but when the boat landed, it was filled with Flemings, who, uniting with their countrymen, effected the complete capture of the island.

The beginning of Queen Mary's reign promised advantage to Guernsey, for she had not been six months on the throne, when, on the representation of the inhabitants concerning the scarcity of provisions and other necessities, she issued her royal patent, dated the 18th of December, 1553, allowing them to import a sufficient quantity of different kinds from England, both for the use of the castle and the island, without paying any customs, toll, or other duty. At different times she confirmed the privilege of neutrality by an *Inspecimus* of a bull of Pope Sixtus the Fourth. The islands, however, experienced the horrors of popery during the remainder of her reign, from which they were happily relieved by the accession of Elizabeth.

This celebrated princess soon manifested the particular regard she entertained for the island, by confirming its ancient privileges in an *Inspecimus* of several charters granted by her royal predecessors, bearing date the 29th of July, in the first year of her reign ; and in a few months afterwards she issued an original patent to the same effect, the most ample that had yet been obtained, wherein the privilege of

neutrality is distinctly stated to extend so far as the sight of man can reach from any of the islands.

In the year 1563, Sir Francis Chamberlayne, at that time governor, was, with other gentlemen, appointed by a royal commission, under the great seal, to examine the state of the harbour and island generally, with full power to make such regulations as they might find necessary for the benefit of the inhabitants. They, observing the great utility of the harbour of St. Peter's, provided the works already commenced were completed, authorised the bailiff and jurats to raise such a reasonable toll on strangers' goods unloaded in the harbour, as would be sufficient for the maintenance of the pier, and the repair of the bulwarks, as well as to provide powder and ammunition on any warlike emergency. As soon as this order was promulgated, the bailiff and jurats put it into execution, and made a tariff for this toll, which, for several years, was regularly received and faithfully applied to its intended use. But the queen, who was more regardful of the security and advantage of the inhabitants than they were themselves, being apprized that the collection of this revenue was applied to improper uses, and the work consequently suspended, sent, in 1583, a very severe reprimand to the court, commanding them to audit the accounts in presence of the governor, refund all sums misapplied, and expend them in the advancement of the harbour.

Notwithstanding the malversation of the royal court, the queen graciously ordered the continuation of the toll, and decreed that other contributions might be levied with the consent of the generality of the richest class of inhabitants, and an additional charge was allowed to be made on strangers, in such prudent and moderate form as not to deter them from trading with the island, until the pier was completed. The commissioners above mentioned, finding some deficiency in Castle Cornet, ordered a new battery to be

raised on the north-east part of it, together with some other requisite improvements, the inhabitants contributing their labour according to custom.

Many controversies arising some time afterwards between the governor and the magistrates as to their respective authority and jurisdiction, the queen, by an Order in Council, confirmed (among other articles) the ancient right of the Royal Court to inspect the fortresses; and she then exhorted and advised her faithful subjects in Guernsey to continue their endeavours and good will for the transport and carriage of stone, sand, and other necessities at convenient days and times, as heretofore, to strengthen the fortifications of Castle Cornet, and improve the general security of the island. This important work at the castle was not completed before the 12th of August, 1594, when a day was appointed, the 22d of August, for its consecration; Sir Thomas Leighton, governor, the bailiff and jurats, the clergy, the constables of the town parish, together with the principal officers and inhabitants of the island, were present. The company being assembled, they commenced the ceremony with prayer,* and specially implored God's protection for the safety of the castle, after which the governor christened the new works by the name of the "Royal Battery," which was followed by a general discharge of cannon.

Nor did Elizabeth limit her vigilance to Guernsey alone. In order to prevent the small island of Sark being again surprised by the enemy, as it had formerly been from want of inhabitants, she, in 1564, ceded it to Helier De Carteret, a gentleman of Jersey, for him and his heirs, to be held in fee-farm from the crown, on condition that he let it out in forty different tenements, that there might, at least, be as many men to resist any sudden attack. This Mr. De Carteret,

* The officiating clergyman was a Mr. Milhommeau, a sturdy Genevan, one of those who hesitated to consecrate churches and chapels. (Jeremie.)

for some consideration that he received from Mr. Gosselin, of Guernsey, made over to him five of those tenements, but the lordship of that island is now vested in the Le Pelley family, though the land is divided among several occupants.

Queen Elizabeth also endowed a grammar school in Guernsey, out of which has grown the magnificent college, which now ornaments the upper part of the town. Private affection, as well as public policy, might have induced her to exercise so much kindness to Guernsey, she being very closely connected with the ancestors of the present Carey family, so numerous and respectable in the island. Every one knows that Elizabeth was the daughter of Henry the Eighth and Anne Boleyn; that unfortunate lady had a sister, named Mary Boleyn, who married a Mr. Carey. He was raised to the honour of knighthood, but after Anne Boleyn was beheaded, Carey lost his title and perquisites, and became a poor man. When Elizabeth obtained the throne, she did not forget her cousins, and one of them, Nicholas Carey, was appointed receiver of her majesty's rents in Guernsey, and he was one of the commissioners appointed to erect the grammar school which she endowed. This fact is worthy of being recorded, as the Careys are the only family in the island who can connect themselves with the blood royal of England; nor can there be any doubt on the point, as the arms of the Careys are quartered with those of Elizabeth in Westminster Abbey.* They are three roses, with a swan for the crest; formerly there were not any roses, but only

* The monument to which we have alluded, stands on the exact spot where, in earlier times, the altar of John the Baptist was erected. It commemorates Henry Carey, first cousin of Queen Elizabeth, created Baron of Hunsdon, in Hertfordshire, in 1559. He was governor of Berwick-on-Tweed,—lord chamberlain,—a privy counsellor,—and knight of the garter. Not receiving preferment to the extent of his expectations, this neglect preyed on his mind, and he languished, for a long time, on a sick bed. The queen, repenting of her inattention, created him an earl; but the royal bounty came too late; however, the patent and robes of office were laid before him. He died on the 23d of July, 1596. *Ætat* 72.—On the other side of this chapel in Westminster Abbey, is another monument, sacred to the memory of Lady Catherine Knollys, chief lady of the bedchamber to Elizabeth, and wife of Sir Francis Knollys. She died on the 15th of June, 1568. This Lady Knollys and her brother, the Earl of Hunsdon, were the only children of William Carey and Lady Mary Boleyn, one of the daughters of Thomas Boleyn, earl of Wiltshire and Ormond, and sister of Queen Anne Boleyn.

three swans ; however, a remote ancestor having slain an Arragonese knight in single combat, in Smithfield, whose shield was emblazoned with three roses, the conqueror, to commemorate his victory, as was the practice in those days, assumed his arms, and retained one of his own swans for a crest.

In 1565, notwithstanding the efficient state of the royal navy, piracy was openly carried on in the British Channel, of which we find an instance in the seizure of part of the crew of the *John*, of Sandwich, wrecked on the coast of Guernsey. The men confessed their guilt, and were lodged in the prison of Castle Cornet till her majesty's pleasure was known. On the 23rd September, 1566, the queen sent her orders, which are of a most singular character. After noticing that the captain and principal officers of the piratical vessel had escaped in a pinnace, and that those arrested were deceived by representations made to them that the object of the voyage was purely commercial, and further, taking into consideration that they had been some time in custody, her majesty thus proceeds :—

“ You shall cause two or three of them, such as you shall think most culpable and fittest for example, to be *executed out of hand* ; and for the rest, we will that you shall, upon bail or otherwise, as by your directions shall be thought best, deliver them and set them at liberty to repair hither, and sue out their pardons, which upon your recommendations we shall be contented to grant unto them, and pass the same under our seal, as appertaineth.”

On the 23rd of November, 1566, the governor, the commissioners of the queen, and the royal court, having taken the order of Elizabeth into consideration, pronounced the following sentence :—

“ Forasmuch as it appeareth by the circumstances of the process maintained against thee, Richard Higgins, that you have, among others, your consorts pirates, confessed divers and sundry piracies, namely, upon Flemish fishers and other merchants, as well upon the coast of England as upon the coast of Spain, and minding to persevere in that most horrible and detestable life, have resisted to the uttermost of your power the queen's majesty's ships sent to call back and impeach your and your consorts most wicked enterprises against the glory of God, the queen's majesty's honour, and the public peace between her majesty and her highness's most dear friends and allies ; we, Francis Chamberlain, esq., captain and governor of this island of Guernsey, with the advice of Thomas Compton,

John After, Thomas Effart, William Beauvoir, and Nicholas Carey, her highness's commissioners in this part, assisted by the justice ordinary at this isle, assembled in the fear of God and due obedience to the queen's highness, do, in her majesty's, our most dread sovereign lady's name, ordain that thou, Richard Higgins, shall be pinioned by the officer of justice, and by him be led from this place to St. Martin's point, near the full sea mark, and there, by the same officer, be hanged and strangled till thou be dead."

It may be mentioned among the *memorabilia* of this reign, that on the 1st of April, 1601, the attorney-general and sheriff of Guernsey were empowered to proceed to Alderney, and there seize the estates of the Earl of Essex, executed for high treason.

Under the glorious reign of Elizabeth, Guernsey would have enjoyed unalloyed prosperity, had it not been for the arbitrary conduct of the governors, particularly that of Sir Thomas Leighton. It is evident that he consulted nothing more than his own private interests, and violated the privileges of the island. Not only was he guilty of many exactions on the natives, but he also so grossly imposed on strangers, as to drive them away from the place. As an instance of his general conduct, it may be stated that several French vessels, belonging to Havre-de-Grace and St. Brieux, measuring from twenty to one hundred and fifty tons burden, laden with corn, wine, salt, &c., were (contrary to the queen's charter granted but a few years before,) seized by him in the roadstead, and detained for a long time, under pretext that the cargoes were Spanish property: this infraction of the privilege of neutrality might have been attended with serious consequences, had not the jurats taken the matter in hand; for, though the repeated remonstrances of the court did not induce him to release the ships, he was afterwards compelled to do it by an order in council dated the 9th of June, 1587.

On the death of Elizabeth, James the First succeeded to the quiet possession of a crown and kingdom, undisturbed by intestine feuds and free from foreign war. A pedagogue, possessed undoubtedly of some learning, but of narrow views and feeble judg-

ment, he displayed the qualities rather of a scholastic bookworm, than the enterprize or spirit of a monarch. He had the singular felicity of retaining his dominions in peace, though he asserted a prerogative which his unhappy son Charles, fatally for himself, endeavoured to push to despotic authority.

The States of Guernsey sent a deputation to congratulate James on his accession to the throne, and at the same time present a memorial, praying his majesty to confirm their privileges; he ordered them to be examined by persons well versed in the insular laws and constitution, and ratified them by his royal charter, dated the 15th of June, in the third year of his reign—*Inter alia*: this charter confirmed the authority of the Royal Court to levy the *petite coutume* for the maintenance of the pier, and for other public works, in perpetuity, not only on commodities imported into the island by strangers, but even on those of native growth and manufacture. On some disputes which arose between the governor and the Court concerning their respective rights, the king issued an order to repress all arbitrary proceedings, allowing the military commandant no further power than was consistent with the constitution; but their dissensions still continuing, and two parties being formed among the public, his majesty, on the 25th of July, 1607, appointed Sir Robert Gardner and Dr. Hussey as royal commissioners, and empowered them to judge and finally determine all disputes between the inhabitants, the court, and the governor, both in Guernsey and Jersey. However, during this reign, the island was free from hostile aggression.

The scene was clouded under the reign of Charles the First, when both the islands took part in the civil war, Jersey adhering to the king, and Guernsey to the parliament. The unfortunate marriage of the prince, to Henrietta of France, alarmed England with fears of the revival of popery, and the articles of the

marriage contract certainly justified these apprehensions. It was stipulated, first,—that the queen should freely profess the Roman Catholic religion, together with all her retinue, as well as the children of the marriage. Secondly,—that she should have a chapel in all the royal palaces of England, where she might reside, the services to be performed according to the tenets of the Roman Catholic Church. Thirdly,—that she should be allowed a bishop of her own appointment, who should have a right of exclusive jurisdiction in religious matters over all ecclesiastics within his episcopal sphere. Fourthly,—that she should be allowed twenty priests for her private chaplains. Fifthly,—the king (James) and the prince (Charles) obliged themselves on oath not to induce the queen, in any manner whatsoever, to change her religion, nor to encourage anything that might have that tendency. Sixthly,—that all the queen's household should be French Roman Catholics, appointed by the most christian king; moreover, that the English Roman Catholics should no longer be molested in their religion, and that all those who had had their effects seized, should be indemnified.

These conditions were deemed to be the foundation of a plot, formed by the king of France, to spread the Roman Catholic religion throughout Great Britain, and as the Princess Henrietta was accompanied by one hundred and twenty confidential attendants, it was feared the French government would gain an ascendancy over the English ministers, and obtain secret intelligence of all affairs of state. In short, these articles, with some others contrary to the spirit of the British constitution, so exasperated the public mind, that a war ensued between the two nations. The Duke of Buckingham made a descent, in 1627, upon the isle of Rhé, from which he was repulsed with tarnished honour and severe loss; the king of France then determined to retaliate, and prepared to

attack the Channel Islands, which he was most anxious to annex to his crown.

The Earl of Danby, at that time governor of Guernsey, represented to the king the necessity of sending a squadron of ships of war for the protection of Guernsey and Jersey, as also to annoy or ruin the great trade carried on by the French, between Saint Malo, Granville, Havre, and other ports on the adjoining coast. In this recommendation his majesty acquiesced, and he issued a mandate for its accomplishment. Lord Conway, then secretary of state, also addressed a letter to the bailiff and jurats of Guernsey, dated the 12th of August, 1627, in which he assured them, in the king's name, that his majesty would ever continue his gracious protection, as his ancestors had done, "as he greatly esteemed that portion of his inheritance, and the unspotted faith and duty of his subjects in the islands."

But Charles's pecuniary difficulties and troubles with his English subjects had already begun, and this misguided monarch was unable to afford immediate assistance. It happened fortunately, in the meanwhile, that the French, "pleased that the jealousies and quarrels between king and parliament had disarmed so formidable a power, carefully avoided any enterprise which might rouse either the terror or anger of the English, and dispose them to domestic union and submission."* At length, however, "it was thought good to send the Earl of Danby with a considerable supply of men and arms, and ammunition, to make good those islands, by testifying and assuring them against all invasions. This order, signified to his lordship about the beginning of December, anno 1628, he cheerfully embraced the service, and prepared accordingly. But neither the ships, money, nor other necessaries being at that time brought together,"† the squadron only sailed

* Hume.

† Heylin.

from Portsmouth, March 3, 1629, and it consisted of the *Assurance*, of 800 tons and 42 guns, two pinnaces, one ketch (catch), and one merchant ship, with the arms and ammunition, on board of which were embarked about 400 foot, with their several officers, whereof two companies for Guernsey and two for Jersey. His lordship, "being deserted by his own chaplaines in regard of the extremity of the season, and the visible danger of the enterprise,"* Doctor Heylin engaged to accompany him in that capacity, and the happy result of his visit was a publication in 1656, entitled, "*A survey of the two ilands, Guernzey and Jarsey, with the isles appendeing, according to their polittie, and formes of government, both ecclesiasticall and civill.*" Now that steamers easily perform the passage between Portsmouth and Guernsey in less than twelve hours, and that, in moderate weather, with almost as much certainty as a journey of the same distance by land, a smile cannot fail of being excited at the fears of the poor chaplains, who shrank from accompanying the earl in his perilous undertaking! The survey has become extremely rare, and the following extracts, descriptive of the island at that period, in the author's own orthography and quaint language, possess a local, if not a political interest:—

"Two leagues from Serke, directly westward, lyeth the chief island of this government, by Antonine called Sarnia, by us and the French known now by the name of Garnzey or of Guernzey. The forme of it is much after the fashion of the Isle of Sicily, every side of the triangle being about nine miles in length, and twenty-eight in the whole compasse. In this circuit are comprehended ten parishes, whereof the principall is that of St. Peter's on the sea, as having a fair and safe peere adjoyning to it for the benefit of their merchants, and being honoured also with a market, and the Plaidery,† or Court of Justice. The number of the inhabitants is reckoned neer about twenty thousand,‡ out of which there may be raised some two thousand able men; although their trained band consists only of twelve hundred, and those, God knows, but poorly weaponed. The aire hereof is very healthfull, as may be well seen in the long lives both of men and women; and the earth said to be of the same nature with Crete and Ireland, not apt to foster any venomous creature in it. Out of which generall affirmation, we may

* Heylin.

† Although the seat of justice has been removed upwards of forty years, the neighbourhood of the old Court-house is still called the *Plaiderie*, or place of pleading.

‡ We doubt if Guernsey then contained more than barely half that number. By a statistical table in the *Guernsey and Jersey Magazine*, vol. 5, p. 298, it appears that, in 1615, the number of houses in the island was only 1,355.

do well to except witches, of whom the people here have strange reports, and if an ox or horse perhaps miscarry, they presently impute it to witchcraft, and the next old woman shall straight be hal'd to prison. The ground itself, in the opinion of the natives, more rich and battle than that of Jarsey; yet not so fruitfull in the harvest, because the people addict themselves to merchandise especially, leaving the care of husbandry unto their hindes. Yet bread they have sufficient for their use; enough of cattell both for themselves and for their ships; plenty of fish continually brought in from the neighbour seas, and a lake on the northwest part of it, neer unto the sea, of about a mile or more in compasse, exceeding well stored with carpes, the best that ever mortall eye beheld, for tast and bignesse.

"But indeed the principall honour and glory of this island, I mean of Guernzey, is the large capaciousnesse of the harbour, and the flourishing beauty of the castle; I say the castle, as it may so be called by way of eminency, that in the vale, and those poorer trifles all along the coasts, not any way deserving to be spoken of. Situate it is upon a little islet just opposite unto Pierport, or the town of St. Peter, on the sea; to which, and to the peere there it is a good assurance, and takes up the whole circuit of that islet whereupon it standeth. At the first it was built upon the higher part of the ground only, broad at the one end and at the other, and bending in the fashion of an horne, whence it had the name of Cornet. By Sir Leonard Chamberlane, governour here in the time of Queen Mary, and by Sir Thomas Leighton, his successour in the reign of Queen Elizabeth, it was improved to that majesty and beauty that now it hath, excellently fortified according to the moderne art of war, and furnished with almost an hundred piece of ordinance, whereof about sixty are of brasse. Add to this, that it is continually environed with the sea, unlesse sometimes at a dead low water, whereby there is so little possibility of making any approaches neer unto it, that one might justly think him mad, that would attempt it. And certainly it is more than necessary that this place should be thus fortified, if not for the safety of the island, yet at the least for the assurance of the harbour. An harbour* able to contain the greatest navy that ever sailed upon the ocean; fenced from the fury of the winds by the isles of Guernzey, Jet-how, Serke, and Arvie, by which it is almost encompassed; and of so sure an anchorage, that though our ships lay there in the blustering end of March, yet it was noted that never any of them slipped an anchor. Other havens they have about the island, viz., Bazon, L'Aucresse, Fermines, and others; but these rather landing places to let in the enemy, then any way advantageous to the trade and riches of the people. A place not to be neglected in the defence of it; and full of danger to the English state and traffick, were it in the hands of any enemy.

"The other villages" (in Jersey) "lie scattered up and down, like those of Guernzey, and give habitation to a people very painfull and laborious; but by reason of their continuall toyle and labour, not a little affected to a kinde of melancholy surlinesse incident to plough men. Those of Guernzey on the other side by continuall converse with strangers in their own haven,† and by travelling abroad being much more sociable and generous. Add to this, that the people here" (Jersey) "are more poor, and therefore more destitute of humanity; the children here continually craving almes of every stranger; whereas in all Guernzey I did not see one begger."

In the year 1627, the insular charters were again confirmed, and a large quantity of provisions of different sorts permitted to be imported from England, for the use of the island and castle. A treaty of peace was signed between France and England (14th

* The roadstead is evidently here meant.

† Guernsey maintained its pre-eminence in commerce and navigation till about the peace of 1815, since which period Jersey has taken the lead, and her trade and shipping are now fully double those of the sister isle.

of April, 1629), on which the islanders were again secure from invasion. It may be here also incidentally mentioned, that Henry De Vic, a native of Guernsey, was employed by Charles in treating with the celebrated Duc De Rohan and the French Protestants for the relief of La Rochelle.* De Vic, who was subsequently "Resident for King Charles the First, nearly twenty years in Brussels, afterwards "chancellor of the most noble order of the garter," shared in the exile of Charles the Second, and was by him created a baronet in 1649, by letters patent, dated at St. Germain, in France, September 3; but the title has long been extinct, as for many years has been in the island the name of this ancient family, one of which was bailiff in 1596. Another Guernseyman, John Andros, an officer in the English army, was mortally wounded in one of the unsuccessful attempts to relieve La Rochelle. Nothing remarkable occurred for some years in relation to the islands, but in 1637, those celebrated martyrs to liberty, William Prynne and Henry Burton, were sent over as prisoners for publishing books against the bishops, the former to Mont Orgueil Castle, Jersey, the latter to Castle Cornet, Guernsey.

Falle seems proud of recording the loyalty of the Jerseymen in adhering to Charles during the civil war, and somewhat invidiously censures the Guernsey-men for siding with the parliament. He extols Sir George Carteret to the skies, and he has been followed by many writers in this encomiastic style. It must be admitted that Sir George behaved with zeal, gallantry, and devotion; but he did not espouse the royal cause from patriotism, but with a view to preserve the enormous authority he had usurped in the island, and which he feared would be curtailed, should the parliament gain the ascendancy in the approaching struggle. Falle thus writes of his hero:—"Capt.

* Continuation of Sir J. Mackintosh's History of England.

Carteret, (afterwards Sir George,) comptroller of his majesty's navy, was a man, says Lord Clarendon, of great eminence and reputation in naval command. He stood so well in the opinion even of the parliament for true honours, courage, and abilities, that when they committed the fleet to the Earl of Warwick, in opposition to the wishes of the king, the two houses had cast their eyes upon him for vice-admiral. But he knew better what became him than to accept an employment from them, unless the king had judged it expedient for his service. Unhappily, his majesty did not judge it such, nor would he consent that one of his servants should so far countenance their proceedings as to be in any way concerned with them, which the noble historian laments as a most fatal error; for, to use his own words, if Captain Carteret had been suffered to take that charge, his interest and reputation in the navy were so great, and his diligence and dexterity in command so eminent, that it was generally believed he would, against whatsoever the Earl of Warwick could have done, have preserved a major part of the fleet in their duty to the king. Upon this, Sir George withdrew himself, with his family, to Jersey, and, being well assured of the hearty concurrence of the inhabitants, declared for his majesty."

This panegyric only wants one additional ingredient; to wit, truth: but that is wanting. Sir George Carteret, when lieutenant-governor of Jersey, frequently went over to England, and there so strengthened his private interests by constantly attending the court, that he procured for his friends and relatives almost a complete monopoly of local authority in the island. He was bailiff, lord of several fiefs, and owner of many considerable estates. His government became so arbitrary, that the states lodged a complaint against him before parliament, in 1642, and this had as much influence on the conduct of the Carteret family, as their loyalty. Falle has suppressed this

fact ; it is therefore proper to recite the articles of this complaint, as they illustrate the state of public opinion at the time :—

“ That the personal residence of a governor, well qualified, in a frontier place, is most requisite for his majesty’s service and the security of the island.

“ That Sir George Carteret, the deputy of Sir Thomas Germain, a man altogether inexperienced in militia discipline, has lately, and in his absence, appointed one of his nephews, about twenty-three years of age, to that office ; and that last summer he committed that charge to his eldest son, scarcely twenty-one, and unfit to be entrusted with a post so important, in reference to the militia and the defence of the island.

“ That the non-residence of the governor, the same now living in England, does not only impoverish the island, but furthermore, one of the best rank cannot perform the personal services that he owes to the country, with that attendance of men and furniture of arms, as he is bound to do ; but all is contracted and reduced under one family.

“ That, for the avoidance of sundry inconveniences and jealousies, it is the general desire of the inhabitants, that the deputy be a native of England, as was ordered by King Henry the Seventh, upon a survey of this isle, and a man of sufficient ability to command or order within or without the castles, or to that intent : this sufficiency is expressed in all the patents of the governors.

“ That Sir George Carteret, the present deputy, holds offices incompatible with a due administration of justice, he being deputy-governor, bailiff, and farmer of the king’s revenues, escheats, forfeitures, and fines, and thus becomes judge and party.

“ That the said Sir George Carteret entrusts with all the chief places and offices those of his name and family, the island consisting of twelve parishes, in which seven Carterets are captains, besides two of his nephews, and a brother-in-law is his own servant, being porter of the great castle of Mont Orgueil.

“ That he procures the nomination and election of his own kindred to the judicature on the bench and court of justice, by letters and messengers, when the parishes, by order of the court, are commanded to proceed to the election of a jurat by the votes of the people.

“ That he has opposed the free election of the ablest men that were named by the votes of the country, according to their privileges.

“ That he makes himself formidable by his violent carriage and threats on the seat of justice against those magistrates and others who differ from him in opinion, menacing them, in fearful terms, with his revenge, and that of his relatives in open court.

“ That he has presumed, of his own head, to raise customs and imposts unheard of upon goods imported into the island, against the liberties and charters of the isle.

“ That, since he has been lieutenant-governor, he has oppressed the people by setting at a high rate the licenses for exportation, out of England, of those commodities which are granted by warrants and patents, as of wool, leather, and sea coal, those commodities being now raised to an excessive price, even to the beggary of the country.

“ That he keeps no resident ministers for the service of God in the castles, as has been the practice of former governors, and prescribed by the orders of the lords of council, but supplies their deficiency by taking away some of the rectors from their own parishes on the sabbath day.

“ That, without form of justice, or judicial hearing, he has commanded some gentlemen of the highest rank in the isle to appear before the lords within forty days, and upon their appearance, he never moved any prosecution about the cause of their appearance.

“ That, with arbitrary power and subversion of the laws, he does release out of prison, without consent or act of the court, those who are committed there by

judicial sentence; and sometimes, by his own private authority, either as lieutenant-governor or bailiff, he commits to prison, against the express words of our privileges.

"That he has hitherto given no account in the isle of the great sums of money received by him out of the exchequer or treasury, as appears by a true copy dated 1628, he then being captain, where he charges £3,160 for billeting one hundred soldiers. Some small portions he has paid, when it pleased him, and to prevent his accounting for the said money, he has taken an acquittance of the constables, to show that he has disbursed the amount out of his own pocket, and left a bond for that which is due in their hands; and nobody here dares to undertake the prosecution of this business, or of other grievances against him, for fear of his power and revenge.

"That some contracts have been made in the castles between some prisoners and some of his relatives to obtain pardon for crimes of false coining and clipping of French and Spanish coin, part of the bribe being paid down in cash, and the remainder being secured by a bond left in the hands of the porter of the castle.

"That, against our customs, and to the great discontent of the people, he has frequently sheltered in the castle some gentlemen of great quality, fled out of France, and prosecuted there for high treason, which is contrary to formal injunctions concerning strangers, who are inadmissible into any of the fortresses of the isle.

"That some individuals have been admitted into the magistracy without due election, or by the votes of the country and jurats, against whom there are many serious objections; and they ought to be removed.

"That he has procured, out of his own head, the alteration of some of our laws and customs, against the consent of the states.

"That he sets an excessive price on the rents due to his majesty without the advice of the jurats, as the former course has been.

"That, when the said Sir George Carteret was here, and had knowledge that these articles were presented to the honourable house of commons, he did subtly procure letters to be written unto him, of false intelligence, whereby mention was made that this island stood then in danger of invasion, and therefore that his presence there was necessary; but this false intelligence was manufactured for fear of the touchstone of the law; and now he is in Jersey, where he procures certificates on his behalf, with which he pretends to clear himself, subscribed by some of the jurats of his kindred, and others of the inhabitants who dare not refuse him, he being absolute in this island, so far removed from the eyes of the English Government."

This complaint clearly shows that Carteret was as complete a despot as ever breathed; all his sympathies were in unison with those of the king, who had the most extravagant notions of the royal prerogative. Carteret dreaded being brought before the parliament to account for his tyranny and extortion, and therefore espoused the party most disposed to screen him from punishment.

When the civil war broke out, Sir Peter Osborne was lieutenant-governor of Guernsey. He held out for the king, and fortified himself in Castle Cornet. On the 2d of February, 1642, a meeting was held, between seven and eight o'clock in the evening, at

the house of John Fautrart, lieutenant-bailiff, which was attended by Peter De Beauvoir, *seigneur des Granges*, and Thomas Carey, jurats, to hear the deposition of Henry De La Marche, one of the constables of the town parish. He reported that Captain George Carteret had arrived about noon from the west of England, with arms and ammunition of war, which he intended to employ to the injury of the nation, and that he (the constable) suspected that Carteret was going to France to receive more, from the information he had received. He further stated that Carteret was then in Castle Cornet with Sir Peter Osborne.

On receiving this information, the three magistrates above named resolved to send the constable and the king's sheriff to John De Quetteville, the bailiff, to obtain his advice. On their statement, the bailiff refused to enter into the merits or particulars of the case, simply observing, that if they applied to him for an order to arrest Carteret, he would grant it. When they returned to the house of John Fautrart with this message, the jurats were highly displeased at such indifference to the public service, and they ordered the sheriff to repair to Castle Cornet, and command Sir Peter Osborne, in their name, to deliver up the person of Carteret. The sheriff returned at nine o'clock, and reported that he had seen Sir Peter Osborne and Carteret, and put into the hands of the former the deposition of Henry De La Marche, the constable; that the lieutenant-governor opened it, read it, but gave him no answer, although he produced his commission, as sheriff, and the orders of the jurats.

On the 11th of March, 1642, the court assembled, when the bailiff stated that he had convened them in consequence of the receipt of an order from the lords of the parliament of England, tending to the good of his majesty's service, the interests of parliament, and the conservation of the island, which order he was

commanded to communicate to Sir Peter Osborne, the lieutenant-governor, to the court, and to the states; that he had already forwarded it to Sir Peter, but had received no satisfactory answer. On this point he requested the advice of the court. After the matter had been taken into consideration, the sheriff was ordered to wait on the lieutenant-governor, and desire him, in the name of the court, to have the states convened on the Wednesday next ensuing, to take the parliamentary order into consideration.

On the return of the sheriff, he reported that he had been to the castle to deliver the message of the court; that at the great gate he had met the porter and three soldiers, whom he desired to communicate the purport of his errand to his excellency. The porter soon came back, and said that he did not believe that he (the sheriff) had been sent by the bailiff and jurats, no more than he had been on the former occasion, when he had pretended to be authorized, and coined a falsehood. On this the sheriff showed the porter his written instructions, and desired him again to announce his presence to his excellency. The porter insisted on their being read to him, which the sheriff refusing to do, he having no such authority, the porter went a second time to Sir Peter, and, on his return, asked in what place, and before what jurats, the sheriff had received his instructions. He answered at the court-house, and before all the jurats; whereupon the porter said, that if the court desired to make any communication, they must send one of their own members.

At this time there was no governor, and it was clear that Sir Peter Osborne would not yield to the law. On the 22d of March, 1642, this state of things was altered by an instrument forwarded from the committee of lords and commons appointed to watch over the safety of the kingdom. It vested the provisional government of Guernsey, Alderney, and Sark

in thirteen gentlemen, of whom Peter De Beauvoir, *des Granges*, was appointed president, and ordered that any six of them should form a *quorum*. With this commission were forwarded the following instructions, for the guidance of Peter De Beauvoir and his colleagues :—

“ 1.—You shall seize the person of Sir Peter Osborne, knight, deputy-governor of the island of Guernsey, and the castle now in his custody ; and you shall send him under a safe escort to the parliament, to answer such offences, contempts, and other misdemeanours, as shall be objected against him.

“ 2.—You shall take into your custody, by inventory, all money, plate, and other goods belonging to the said Sir Peter Osborne, and keep the same till further directions be given by this committee, or by parliament.

“ 3.—You shall appoint a captain, or commander-in-chief, and other subordinate officers over all the trained bands of the said island, who shall lead, conduct, and exercise the soldiers, according to the discipline of war.

“ 4.—You shall, by force of arms, take possession of the said castle, and fight with, kill, and slay all who make any resistance to you in the execution of this commission, and shall keep the said castle to the use of the king and kingdom of England.

“ 5.—You shall oppose and suppress all forces which may arrive in the island, without authority and consent of both houses of parliament.

“ 6.—You shall assist all ships sent by authority of both houses of parliament for the defence of the said island, and guarding of the seas, and protection of his majesty's good subjects in those parts.

“ 7.—You shall seize upon the persons and estates of all such as stand in defence of the said Sir Peter Osborne, and all others that have made, or shall make, war against the parliament.

“ 8.—You shall seize upon all ships, barks, and all goods and provisions employed for the relief of the said castle or fort, being in actual war against the parliament, or the property of those who have in any manner aided or assisted those who were, or are, in such actual war.

“ 9.—You shall, from time to time, advise both houses of parliament, or this committee, of your proceedings, and execute such further instructions as you may receive from them.

“ 10.—You shall collect the rents and other profits belonging to the governor of the said island, and shall employ the same for the defence thereof, and other public charges.

“ 11.—You shall grant and dispose of all such licenses for transporting any commodities for the relief and supply of the island out of the kingdom of England, as by law are warranted, in such manner as shall stand with justice, and due respect to the good of the said island, and the inhabitants thereof.”

In obedience to these instructions, the commissioners made some attempts to seize Sir Peter Osborne and get possession of the castle, though they had recourse rather to negotiation than force of arms ; but the deputy-governor would not listen to any terms or accommodation : he threatened to batter down the town, and actually fired several cannon, to the great terror of the inhabitants. Under these circumstan-

ces, the following letter was written by the commissioners to the parliamentary committee :—

"May it please your honours :—Your orders for this island have been communicated to us by Mr. John De Quetteville, your messenger, and we have tried the best means we could to help him in the execution of the same ; but we could not take the person of Sir Peter Osborne, though the people assembled and declared on oath to stand for the king and parliament, for he keeps himself strong in the castle, daily adding to its fortifications. After the publication of your order, we deputed the king's attorney to convey to the lieutenant-governor a copy of the same, and require his obedience to the articles it contained ; but he returned for answer, that he would not look at any order or command issued by the parliament ; he, moreover, enjoined us to aid him against the parliament, and to call on all the inhabitants publicly to declare that, in case any forces should be sent hither, they would aid him in their repulse, threatening, in case we did not yield to his authority, to batter and destroy our town with his guns, which menaces he and his people continue daily to carry into effect, to the great terror of our inhabitants, having already shot several pieces of heavy ordnance over the town, which has caused the most part of the people to forsake their houses and retreat into the country. We cannot expect any more messages from Sir Peter, who obstructs all shipping from entering into, or sailing out of, the harbour, even the fishing boats. Nor will he allow strangers to go to sea ; and, if this blockade continues, it will be the utter undoing of the inhabitants of this island."

The king, apprised of all the measures taken by the parliament in reference to Guernsey, wrote a letter, addressed to the Earl of Danby, the former governor, the bailiff, and jurats, thus directed :—

"To our right trusty and well-beloved cousin and counsellor, Henry, earl of Danby, governor of the island of Guernsey, and to his lieutenant there, and to our trusty and well-beloved the bailiff and jurats of the said island, and every one of them, *Charles Rex*, we greet you well. The great distractions and calamities which this, our kingdom of England now suffers by the falsehood and disloyalty of some factious and ambitious spirits, who have dispersed untruths of our person and government, make me anxious to prevent the like in other parts of my dominions ; and, understanding that this ill spirit, now brought upon our kingdom, begins to be hearkened to in our island of Guernsey, and chiefly upon a false report supposed to have been raised by one Monsieur Des Granges, whom we have known under a better character ; and hearing also, that our present governor, the Earl of Danby, is put out of charge, and the Lord Viscount Seudamore installed into that office, in consequence of which many of our subjects there begin to cast off their subjection and obedience, not only to him and his deputies, who are our royal lieutenants, but even to the law of the island. This information has moved us to write our letters, and direct them jointly to you, both our governor, and deputy, and our bailiff and jurats, strictly requiring you, that you make known to our loyal subjects, in that island, that, as we ever have had most especial care to preserve the Protestant profession of the Christian religion with your ancient government among you, your liberties, persons, and properties, as settled by the laws and customs of your island, so shall we ever preserve them from all innovations or alterations whatsoever, whereby you may enjoy the blessings of tranquillity under us, as heretofore under our predecessors. But in case you find any particular person, (for we have had of late too much experience of those spirits) who shall cast off this, our just command and authority, you, the bailiff and jurats, are to apprehend and closely imprison such offenders, and proceed against them with expedition and severity, according to the laws ; and upon any insurrection or other act of disloyalty, we require you, our governor and deputy, by your martial power,

to subdue such persons as shall rise against our authority by any traitorous attempt; and we expect that both you, our governors, and you, our magistrates, will take such care, and give such mutual assistance to each other, as may preserve your peace and the loyalty of the island, which we have always and so much desired, knowing how much it imports that no advantage be given to the designs of foreigners by faction; of this we expect you will give us a speedy account, and for so doing, these, our letters, shall be to you, or any one of you, a sufficient warrant."*

Notwithstanding this promise of the king not to permit any changes in the Protestant faith, his notorious insincerity was so well understood, that no clear sighted man placed the least confidence in his declarations. The inhabitants of Guernsey felt the same distrust of him, as the people of England, and one strong proof of their alarm, and that of the parliament, is contained in the following letter, written to the Guernsey commissioners, by the Earl of Warwick, high admiral of England, who was earnestly soliciting the committee of safety to send them over guns and other assistance:—

"You may think it long that you have not guns and help from us here, but I assure you it is not my fault, for I have written orders divers times to the committee of safety about it. Here they have signed a warrant for the governor, and have also commanded one in chief to come and assist you. I shall leave my ships with you till parliament commands me to call them away, though I believe the largest ships can do you little service there; but any assistance that I can render you, I should be very ready to give, and would be with you myself were it not for the office I hold, and so bid you heartily farewell."

It appears from this letter that the earl was of opinion that large ships were not required at that time; from which it may be inferred that the parliament had no intention of bombarding the castle, but merely wished to protect the trade, and prevent any supplies being sent from abroad to the relief of Sir Peter Osborne, in the hope of starving his garrison into surrender. The warrant alluded to in Lord Warwick's letter, was the commission of Lord Scudamore to act as governor, mentioned in the letter of King Charles to the Earl of Danby. Lord Scudamore does not appear ever to have exercised his appointment; indeed the commander-in-chief, sent to Guern-

* Dated from Oxford, 9th of December, 1643.

sey, was Mr. Robert Russell, who was styled lieutenant-governor, under the command of the Earl of Warwick, who received the following parliamentary instructions for the government of Guernsey and Jersey:—

“TO ROBERT, EARL OF WARWICK,—You shall take care that the Protestant religion be preserved and maintained in the said islands, and that the churches in the said islands be governed according to their ancient customs and privileges.

“You shall be careful that justice be well administered according to the laws and customs there used and established, and that all the inhabitants be maintained in their lawful rights and liberties.

“You shall do your best to preserve the peace of the said islands and inhabitants, under the protection of the crown and parliament of England, and, by force of arms, suppress all tumults and insurrections and seditions, and likewise resist and repulse all invasions and depredations, either by sea or land, and to withstand all forces and authority whatsoever used or exercised in the island without the consent of both houses of parliament.

“You shall apprehend the person of Sir George Carteret, knight, late captain governor of the island of Jersey, and Sir Peter Osborne, late captain governor of the island of Guernsey, as likewise all their adherents, confederates, and abettors, and shall send them in safe custody to the parliament, there to answer for the treasons, felonies, robberies, oppressions, and other heinous crimes, by them committed against the crown and kingdom of England, and against his majesty's good subjects, and the inhabitants of the said islands.

“You shall strictly prohibit and restrain the inhabitants of the said islands from giving aid or assistance to the rebels of the county of Cornwall, or in any others now in actual war against the parliament, or from holding any commerce, intelligence, or correspondence with them.

“You shall seize upon all castles or forts held by Sir George Carteret, Sir Peter Osborne, or any of their adherents, or by any other persons without the consent of both houses of parliament, as likewise upon all monies, plate, jewels, ammunition, ordnance, lands, tenements, and all other goods whatsoever belonging to those who shall oppose you, or the deputy lieutenants or others employed by you in the execution of this commission and these instructions; of all which you are to cause perfect inventories and accounts to be drawn up and safely preserved from spoil or embezzlement, until the two houses of parliament shall have given you further instructions.

“You shall appoint some fit officers to be careful for all ordnance, arms, ammunition, or other provisions, which shall be issued for the defence or preservation of the island, that they may be employed or expended without waste, and a good account thereof made in such manner as shall be appointed by both houses of parliament.

“You shall give instructions to the several deputies and lieutenants in all particulars above mentioned, together with such other instructions as you, in your wisdom, and according to the trust reposed in you, shall think needful for the defence and government of the said islands; and you, your lieutenants and deputies, shall receive further advices from time to time from both houses of parliament.”

Notwithstanding these measures and the great responsibility reposed in the Earl of Warwick, the inhabitants of Guernsey were left defenceless and without ships to protect their trade from the cannon of the castle, which received numerous supplies from

England and France, both of provisions and ammunition. Sir Peter Osborne was resolute and faithful to the royal cause, firing his guns into the town, to the terror and damage of the inhabitants. From the following letter, addressed by the Earl of Warwick "To the states assembled in the island of Guernsey," dated the 2d June, 1643, it appears that the courage of the Guernseymen began to quail, for the admiral writes in terms of severe reproach:—

"Gentlemen,—I am something amazed, after so long a patience and such good evidences given of your affection for the maintenance of so just a cause;—I say I am amazed you should grow remiss and seem to neglect and draw back, as if it were an indifferent or dangerous thing to defend yourselves, your liberties and your properties, and what is of greater consequence, your religion and the purity thereof, against traitors, papists, atheists, and the like, who have laboured, and daily do labour to enthrall our liberties and religion, and to bring us into slavery to themselves, and to the devil by the darkness of errors and pernicious heresies wherewith they obfuscate the Christian air we live in. If this be the main design with you, what a shame, what a reproach will it be for you and your posterity, after having begun so well and showed the way to Jersey, and having suffered longer than they with loss of your houses, and such boldness as has made you odious to your enemies, if you now yield to those enemies, after so many protestations and humble petitions made to the high and honourable court of parliament, and after receiving such favourable orders, provisions, supplies of all sorts and expenses from them and this kingdom; will you now make yourselves ridiculous to your enemies, and be guilty of so foul an apostacy? Consider what I have done for you? Do you think to subsist against the authority of parliament and the power of this kingdom? Certainly if you attempt this, you will repent too late; but I hope better things from you. I advise and exhort you, therefore, to unite yourselves one with the other, and with my lieutenants in all your councils and endeavours, and judge by what I have already done, what I will continue to do, if God permits it, and when the time of the year is favourable, unless you be wanting to yourselves. And so praying God to increase and strengthen your valour and resolution, as may be for his glory and your good, with my kind salutations to you all, I rest your very assured friend."

This letter seems to have produced the desired effect, as Guernsey stood firm for the parliament. Not being able, however, to reduce the castle by force of arms, the parliamentary deputies ordered the following summons to be forwarded to Sir Peter Osborne:—

"Sir,—I, the undersigned, lieutenant-governor of Guernsey, and the islands dependent upon it, under the command of the Right Honourable Robert, Earl of Warwick, lord high admiral of England, with the captains undernamed, having received commissions for their and other ships to abide on these coasts constantly, we have thought fit to signify to you that, lately, an ordinance by both houses of parliament is set forth to all lords, gentlemen, and others, of whatever quality they may be, who have stood in opposition to them, but who now shall come in before the 1st of March next, and declare themselves for the parliament, that then all

their goods, lands, and annuities which are sequestered, shall be wholly restored to them. But whoever shall refuse this honourable proffer, must never expect the like mercy after the day prefixed; but all their goods, lands, and annuities shall be sold for the parliament's use. Divers lords and gentlemen have wisely laid hold on this mercy, now putting forth their declarations by what means they were seduced.—We now offer this unto you, and shall see it loyally performed, that you have liberty safely to depart with all your officers, and all things appertaining to yourself or them for England, or elsewhere. This denied, believe us, you will never obtain the like. Upon the surrender of the castle, we will engage our faith in the performance. If you desire to treat with us, giving your faith for safe conduct, one of us will come to you. Desiring your speedy answer by the bearer of this unto your loving friends. Signed, Robert Russell, lieutenant-governor and his captains. Dated Guernsey, 22d February, 1644."

Sir Peter Osborne answered this letter by an unqualified defiance, declaring his readiness to forfeit all his estates, rather than peril his honour as a staunch royalist. All hope of an amicable negotiation thus fell to the ground, and partial hostilities continued between the two parties with little or no interruption. But, after the lapse of some months, the Guernseymen again found themselves reduced to extremities, and addressed the following letter to Lord Warwick:—

"My Lord,—Our calamitous state (we having no hope of defence but under the wings of your protection) compels us to advise you that Castle Cornet has, within these last days, received supplies from France and England, a large shallop having come from France, and two ships from England, one of them commanded by Captain Bowden, who has revolted against the parliament. Captain Bowden arrived here from Dartmouth on Saturday last, the 22d of this month, and anchored to the south of the castle, when he sent his boat on shore with letters addressed to the lieutenant-governor (Russell), and to the commissioners appointed by the parliament, requesting them to come on board his vessel to consult with him on matters of great importance, he feigning to be ill. Upon this invitation Peter De Beauvoir, James De Havilland, and Peter Carey, three of the said commissioners, went on board, when they were immediately seized and treated as prisoners. The other vessel went to Jersey on the same errand, but our lieutenant-governor sent timely notice to that island. This circumstance induces us, with the consent of Robert Russell, esq., your lieutenant, to write to your lordship and inform you that this poor and feeble state has, at present, more need than ever of your aid and support; and we most humbly pray you, with all possible diligence, to send us some vessels, and all necessary ammunition, in such quantities as your prudence may think proper, to protect us against the invasion of our enemies. Signed, James Guille, Peter De Beauvoir, (du Bosq,) Michael De Saumarez, John Bonamy, Thomas Carey, John Carey."

The detention in Castle Cornet of Peter De Beauvoir, James De Havilland, and Peter Carey, who had been perfidiously betrayed into the power of Sir Peter Osborne, excited the greatest uneasiness and conster-

nation throughout the island, and, as the event is memorable in the annals of Guernsey, it merits a detailed narration. When Captain Bowden arrived in Guernsey roads, he dropped anchor and sent his boat into Fermain bay, manned by ten or twelve of his sailors, where they were received by the lieutenant-governor, the parliamentary commissioners, and others drawn to the spot from curiosity. The coxswain of the boat presented a letter, addressed to the lieutenant-governor and the parliamentary commissioners, by Captain Bowden, who requested them to come on board his ship to confer with him on different affairs which concerned the public welfare, as he was instructed to do by orders of the Earl of Warwick, Bowden pretending that he was too ill to come on shore. On receipt of this letter, the lieutenant-governor sent Captain Thomas Sippins on board Capt. Bowden's ship, to receive information concerning the state of England, and also to desire him to capture a vessel which had arrived from Weymouth, laden with stores for the castle, and which was then anchored near Brehon, out of reach of the land batteries. Capt. Sippins accordingly went on board the *Bramble*, when Bowden told him that he was his prisoner. Fifteen days before, this traitor had quitted Guernsey, holding his commission from the parliament, when he proceeded to Dartmouth. There he had an interview with Prince Maurice, and attached himself to the king's party, on which occasion he promised to return to Guernsey and seize the lieutenant-governor and the parliamentary commissioners by stratagem. When Bowden saw that his intended victims were not disposed to accept his insidious invitation, he sent his boat a second time to Fermain bay, manned as before, and with the same coxswain, who proceeded to the house of the lieutenant-governor, where Messrs. De Beauvoir and Peter Carey were at dinner, and there delivered a second letter, in which Bowden most

urgently required their presence to deliberate on the affairs to which he had alluded in the first. As to the king's vessel, anchored off Brehon, her he promised to capture without any difficulty. Having consulted together, and desirous to discharge with fidelity the duties of their trust, Messrs. De Beauvoir, De Havilland, and Carey, resolved to go on board the vessel, and set out together from the lieutenant-governor's residence for Fermain bay. On the road they began to entertain some vague suspicions of treachery from the hurried eagerness of Bowden, the absence of Sippins, and the refusal of Bowden to come on shore, as he was wont to do. But De Beauvoir, who was much better acquainted with the officers and crew of the *Bramble* than De Havilland or Carey, assured them of his confidence in their honour, and removed their doubts. Thus persuaded, they embarked in a boat belonging to the island, and went on board the vessel, when Bowden received them with open arms, and conducted them into the cabin, where they found two other naval captains in the king's service, who showed them their commissions, signed by Prince Maurice, and by which they were ordered to reduce the island into submission to his majesty. They then strongly urged the Guernsey deputies to co-operate with them, offering many advantages if they acquiesced, and threatening the severest punishment if they refused; but they remained true to their duty. Notwithstanding this resistance, they were treated with every courtesy and respect.

At the approach of night, one of the two captains, named Jones, entered the *Bramble's* boat to go on board the Weymouth vessel, to advise the crew of his secret intentions, but no sooner did he come near, than the anchor was weighed, and the ship set sail for St. Malo. Being disappointed in this attempt, Jones pulled back, and met the boat belonging to Castle Cornet making for the *Bramble*, but he ordered it to

return, fearing to excite alarm. Bowden then determined to steer for Jersey, in the hope of entrapping the lieutenant-governor and the parliamentary commissioners of that island; but the lieutenant-governor of Guernsey, being now fully convinced of treachery, despatched a boat on the same day that Mr. De Beauvoir and his two companions were made prisoners, to Jersey and St. Malo, to put the parliamentarians on their guard.

The *Bramble* returned to Guernsey with a white flag flying at her stern, and anchored under the cannon of Castle Cornet, when Captain Bowden sent his boat to Sir Peter Osborne, advising him that he had prisoners on board. After sunset, Bowden himself went to the castle, accompanied by Captain Simpson, and both of them were made welcome, but Sir Peter insisted on the prisoners being delivered into his hands, as their detention in the fortress would greatly facilitate the reduction of the island. Against this the two captains remonstrated, for the prisoners had promised them fifty jacobusses, if they would land them at Dartmouth. Sir Peter, however, was determined, and the two captains returned to their vessel about midnight, in very bad humour, particularly Simpson, whom Sir Peter had not treated with that deference to which he felt himself entitled, as one of the king's naval officers.

On the following day, Sir Peter sent his boat to the *Bramble*, manned by seven or eight rowers, under the command of John Chamberlain, and between nine and ten at night the three prisoners were embarked and landed on the eastern side of the castle, being compelled to ascend a ladder thirty-two feet high to reach the ramparts, where they were received by the porter, attended by forty armed men, and ten to twelve who were unarmed, among whom were the sons of Sir Peter Osborne, his chaplain, and Mr. Andros. They were then marched to the front of a

window, when Sir Peter and his aide-de-camp, Capt. Darell, enjoyed the sight of their prisoners. Thence they were removed to an apartment in the underground dungeons, the lowest but one in the fortress, so damp that their hair immediately dripped with wet, and into which the light of day could only enter by the key hole. There they had to pass the night. They were allowed three candles, three hard pillows, and three ragged coverlids, which swarmed with vermin, and on these they lay down to sleep. About two hours after midnight, Captains Bowden and Simpson visited them, and when the former saw their miserable condition, whether from hypocrisy or remorse, he uttered a loud cry, and embraced Mr. De Beauvoir, exclaiming, "O gentlemen! do I really see you so reduced," and then, bidding them adieu, left the prison with Captain Simpson.

On the next day, about eleven in the forenoon, the prisoners received some bacon and pease for dinner, two biscuits, and about a quart of beer: at two o'clock a large quantity of mouldered cotton was removed from the room above that in which they were confined, after which they were transferred to the upper apartment. It was a great comfort to the prisoners that they were not separated, which they feared might be the case. In the evening they were provided with supper, consisting of pease soup, two biscuits, and a quart of beer. After this they stretched themselves on the floor, the porter having left them twenty bundles of the mouldered cotton by way of a luxury to keep themselves warm, and two days afterwards he lent them two bolsters; but after they had enjoyed these comforts during four days, the coverlids were taken away, the governor probably thinking they might cut them into slips and make rope-ladders out of them. The removal of the coverlids first gave them the idea that their escape was possible.

The vindictive governor was not satisfied with the

safe custody of his prisoners, but displayed a paltry and ungenerous spirit in the selection of their diet. On the Monday they were allowed, for dinner, two small whittings half cooked, with a small portion of frozen butter, a quart of beer, and two small biscuits; for supper a mess of gruel and boiled water for soup, two biscuits, and a quart of water. On Tuesday they had stale pease and rancid bacon, which they sent back with indignation, it being impossible to eat such diet; biscuits and beer were served as usual: for supper they received some pease soup, with the customary allowance of beer and bread. Such was their usual mode of treatment; but on the fifteenth day after their detention, the allowance of beer was stopped, after which, they only received a pint of Gascony wine, daily, among the three, with brackish water, and sometimes rain water saturated with lime, caused by a cannon ball which had been fired at the fortress from one of the land batteries, called "La Roque des Chevres," which knocked down part of the wall into the cisterns. With this water the prisoners were obliged to quench their thirst, rendered more intense by the salted provisions they were compelled to eat. This diet gradually affected their health, and their strength began to be seriously enfeebled, for they were not able during a month to take a sufficient quantity of liquid. Mr. Carey suffered more than his two associates, and so intense was his thirst, that he was obliged to write a note to Sir Peter Osborne, praying for an allowance of beer, on account of the very serious illness he had experienced during ten days. To this request the governor assented, and ordered him a pint of beer for each meal. After this time, Capt. Darell lent them a bed, mattress, sheets, and counterpanes.

Ten days after their incarceration, Mr. De Havilland proposed that they should make an attempt to escape through the window of their apartment by aid of the cotton twisted into ropes, but on this scheme

they did not immediately resolve. However, they soon determined to make every effort, and incur every risk, to carry this design into effect, and regretted not having concealed ten or twelve bundles of the cotton, which had been left in the room for them to sleep upon, when they were first confined, in an old box full of flax. What they regretted, proved their preservation, for, had they done so, their plan would have been detected and frustrated, as, in about six days after they had determined to hazard the attempt, the flax was emptied and the box removed.

Another circumstance shortly occurred, which damped their spirits and rendered every prospect of success hopeless. The porter put a strong grating before the window, through which the prisoners at first thought it impossible to pass; but after having tried its dimensions, they found that their heads could pass through the bars, and this discovery strengthened their resolution. They commenced their operations by cutting through the floor with their knives; at this, they worked about three hours daily, one of them keeping watch, while the two others laboured, and in four days they finished this part of the undertaking, and replaced the surface boards so exactly, that the keeper did not perceive any alteration when he brought their meals. On the same day, they made two small holes in the plastering, to ascertain if they had cut directly over that part of the lower room in which the cotton was deposited, and if it was within their reach; the result was satisfactory. In half an hour afterwards, the porter and several soldiers opened the door of the lower apartment, which greatly alarmed the prisoners, lest the holes made in the plastering, some particles of which had fallen down, should be detected; fortunately no alarm was excited.

They next proceeded to draw up from the lower room fifteen bundles of the old cotton, part of which was sound, the remainder rotten; this they effected

by cutting off a slip of soft deal board, which was nailed to the head of a bedstead, and fixing to the end of it a tenter hook, which they found in the room. They concealed the cotton under their beds till after supper, when they commenced twisting it into ropes. The first they made of three coils, and about twenty fathoms long, to enable them to descend from the window to the base of the dungeon. The second was of two coils and ten fathoms long, and was to be used in dropping down the first wall; the third, also of two coils, was to serve for their descent down the last wall. When these ropes were completed, they implored the protection of Providence, and proposed to commence their hazardous experiment; but the stillness of the night rendered the attempt imprudent, and the atmosphere was so clear, that the prisoners could distinctly see the sentinels in every direction: under such circumstances escape was impossible. The tide having now begun to rise, which, at low water, leaves the space between Castle Cornet and the main land quite dry, they were obliged to conceal their ropes under their beds and retire to sleep, not without great regret, they being apprehensive that some one might enter the lower room, and discover that the cotton had been abstracted; but Providence willed it otherwise. On the following night, they entertained sanguine hopes of carrying their design into execution, but it was as clear as the preceding one, and therefore equally unfavourable.

At length a very dark night encouraged them to make preparations for lowering their first rope, but they were again disappointed, for, on a sudden, the porter awoke the soldiers and doubled the guard, he expecting that Mr. De Saumarez and two captains of the king's ships, stationed at *Pereche*, would arrive that night at the castle. At the half moon, under the window of the prisoners, he placed some soldiers, close to whom they would have been obliged to pass.

These arrangements destroyed all hope of escape. On the following morning the weather was remarkably severe ; at about ten o'clock, the two king's ships approached the castle. Mr. De Saumarez, who embarked in one of their boats, arrived about noon at the fortress, where he was joyfully received and saluted by the loud acclamations of the troops, who hoped, by the aid of these vessels, to gain possession of the island. The prisoners themselves entertained the same opinion, on account of the great dissensions which prevailed among the inhabitants, of which they had full knowledge. Mr. De Beauvoir, however, proposed attempting to escape by the lower gate, but this plan was not immediately adopted, the difficulty appearing to them insurmountable ; nevertheless, after dinner, they determined to hazard the chance. They immediately took their ropes from under their beds, and fastened one to a pillar which was in the middle of the room ; they then passed an end through the aperture they had made in the floor, and slid down into the lower room, where they listened and heard the tramp of soldiers all around them. They were not, however, discouraged. Mr. De Havilland took up a bar of iron, and began to bend the cramp of the lock which secured the door ; this was done at the moment the bells of the town church had ceased ringing for evening prayers. Mr. De Beauvoir, going out to look over the wall to see if any person was on the platform of the tower, called Carey Tower, observed their keeper, Nicholas Stinquer, approaching, his eyes fixed on the ground, which circumstance made them all retreat to their hole, and, having remained there a quarter of an hour, they again sallied forth. Finding the road free, they ran to the first cannon fronting the west, when they fastened the rope ; Mr. De Beauvoir was the first to descend, and he perceived three persons beneath, who were on guard. This compelled them at once to detach their

rope. Messrs. De Beauvoir and De Havilland now deemed it prudent to return to their room, but Mr. Carey prevented them, and induced them to go to the south side of Carey Tower, from whence they descended the first and second wall, the guards who had been stationed in that quarter having fortunately quitted their post and retired to a drinking and smoking room, adjoining the garden of the porter. Having cleared the second wall, they ran along the sea-side without any one challenging them. When they had reached about the passage of the neck of the castle, John Chamberlain, who was at his post, saw them, and instantly gave the alarm, crying out, "Fire, fire, the prisoners are escaping." Immediately the cannon were discharged, some with heavy balls, others with grape shot, which fell around the fugitives, but providentially without striking them. At a slow pace, for the swampy and adhesive nature of the ground would not allow of their running swiftly, they reached the steps of the south pier, where, being recognised, the news of their deliverance was carried to the church, and the whole congregation rushed out to congratulate them on their miraculous escape.

It is particularly remarkable, that the sentinels, posted both at the south-east and south point of the castle, had quitted their guard just before the prisoners lowered themselves down, and had gone to join the sentinels stationed at the west. Had not this occurred, escape would have been impossible. Moreover, as they ran along the platform of the tower, they were seen by a young Norman, who remained silent, thinking that the fugitives were a cousin of his, and two others who were in confinement. Nor is it the least curious fact, that, when they were first seen on the castle beach, the guns missed fire six times, which allowed them time to reach the main land. It was fortunate they escaped when they did, for Captain Sippins, who also contrived to get away,

declared that Mr. Amias Andros had told him, on oath, that in another half hour they would have been hanged, and that he himself had brought an order to that effect from the king. This statement was verified by other persons to whom Andros had made a similar avowal, and the king had not a more faithful adherent.

Though the parliamentarians were the stronger party in Guernsey, the royalists were formidable, and plotted many secret conspiracies. Such indeed was the alarm, that Mr. Peter Carey, a gentleman of great zeal and talent, was instructed by the commissioners to address Lord Warwick on the subject and solicit reinforcements. The dreaded mutiny was fortunately detected through the imprudence of one Richard Robin, who, when intoxicated, disclosed the designs of Sir Peter Osborne, and revealed the names of his principal partizans. The ringleaders were seized and sent to England. Mr. Peter Carey was also empowered to visit Sark, and re-establish the general affairs of that island, both civil and military.

While Guernsey thus held out for the parliament, and maintained the great principles of civil and religious liberty, the sister island of Jersey displayed an equal zeal for the king and advocated the slavish doctrine of divine right. Sir George Carteret fitted out about ten armed vessels, which cruized against ships carrying a parliamentary commission, and such was the activity and skill of these Jersey sailors, that even this insignificant force struck terror into all the mercantile marine. They greatly interrupted the channel trade, and the English merchants sustained so many losses, that few would hazard their property unless protected by convoys. But this was not the only injury which these cruizers inflicted on the parliamentary cause. They provisioned the garrison of Elizabeth Castle with stores from the captured vessels, and thus strengthened the means of protracted defence.

The parliament, held on the 22d of June, 1643, had conferred on Lord Warwick the government of Jersey, as well as Guernsey; and he nominated Leonard Liddcot, his lieutenant in the former island. That officer arrived in Jersey on the 29th of August, duly empowered to exercise the functions of his office. He had been informed that the great majority of the inhabitants were secretly attached to the interests of parliament, and only required the presence of an authorized leader to abandon Sir George Carteret and his adherents. Under this erroneous impression he looked forward to a speedy termination of the contest, but he was disappointed; the commissioners had soon cause to repent their infatuation, and Liddcot his credulity. He found the castles so vigorously defended, and the feelings of the people so decidedly in favour of King Charles, that, after a residence in the island, of two months and twenty-three days, he and many of his party retired in disgust to England.

His majesty then held his court at Oxford, from which city he issued a proclamation, dated the 18th of July, 1643, offering a free pardon to such of his Jersey subjects who were disaffected and who promised to return to their allegiance, with five exceptions. It may be fairly inferred that the vast majority of the Jerseymen were royalists, and, with the small limitation mentioned, that few, even of those who opposed his claims, acted on any steady principle. This proclamation produced the effect desired by the king, and from that period to the surrender of the island to Admiral Blake, the Jerseymen remained faithful to the Stuarts.

On the 24th of October, 1643, Sir George Carteret took the oaths as lieutenant-governor and bailiff of Jersey, the Earl of St. Albans, who was governor, being in personal attendance on the queen. His installation into office was soon followed by the complete extinction of the remnant of the parliamentarians.

The inhabitants of St. Brelade's parish, who were warmly attached to the royal cause, attacked and captured from the opposite party the tower of St. Aubin, and compelled them to retire with precipitation. Sir George Carteret immediately enforced his authority, and though Liddcot and many of his adherents had escaped punishment by flight, yet those who remained felt the full weight of his vengeance. He imprisoned all who had been most active and conspicuous in defence of the parliament, and as soon as the commissioners, appointed by Charles, arrived in the island, he imposed on them very heavy fines, and the greatest part of the property of those who had quitted the island was confiscated and sold.

About this time, Prince Charles had gone to the west of England, in order that his presence might animate the people of those counties, and induce them to join the royal troops. But the parliamentarians pressed hard upon him, and, being in imminent danger of being pent up in a nook at the Land's End, he was compelled to seek shelter by passing over to one of the Scilly islands. His stay there was short, and he removed to Jersey on the 17th of April, 1646, as the most secure retreat the desperate fortunes of his father had now left for his reception. The king had appointed a council to attend him, among whom the most credited and confided in, seems to have been the chancellor of the exchequer, Sir Edward Hyde, who composed a portion of his history of the rebellion during his residence in the island. The prince was welcomed with open arms,* and, soon after, he ad-

* As many of our readers may feel pleasure in knowing who were his attendants, we record their names. On his arrival he was accompanied by Sir Edward Hyde, lord chancellor of England, better known in history as Lord Clarendon, Lord Berkshire, his governor, Lords Hampden, Ruthven, Capel, and Wentworth. His retinue was shortly afterwards increased by Lords Digby and Colepepper, Sir John Grinfield, Sir Edward Sitwel, Sir David Morel, Sir Charles Morel, and Sir Henry Mannery. He was subsequently joined by Sir Thomas Hooper, Sir Dudley Waite, Sir John Sage, Sir William Baldwin, Sir Edward Haker, Sir John Maclain, the Solicitor Cook, Monsieur Louvel, Mr. William Hington, gentleman of his chamber, Mr. Smith, his cup bearer, Mr. Finch, his secretary, Mr. Palmer, his esquire carver, Mr. George Vane, Mr. Thomas Jermyn, Mr. Cadfa, Mr. Wisque, Mr. Windham, Mr. Freeman, Mr. Chiffin, and Mr. Boulain, one of the prince's tradesmen. To them were added Doctors Crighton and Carle, his chaplains, and Doctors Woole, Clayde, Blayham, and Wat-son; and a considerable number of military officers.

dressed the following letter to Mr. Amias Andros, seigneur of Sausmarez, the original of which is now in the possession of the family :—

"After our hearty commendations, we have received so many testimonies by Sir George Carteret and Sir Thomas Fanshaw, and otherways of your affection to the service of our royal father, and your sufferings for that affection in the island of Guernsey, and your good service in the castle there since the revolt of the island, that we cannot but let you know the princely sense we have of it, assuring you that we remember the same to your advantage. We desire that, for the present, you will not think of leaving that place, but assist Sir Baldwin Wake in the disposing the officers and soldiers to such a cheerful performance of their duty, that we may have as much cause to thank them for their future service as we have for their past sufferings. And if, after all things are well settled there, you shall desire to come hither to us for some time, we shall willingly consent to it: in the mean time, we desire to receive advice from you, whether you conceive that, without any addition or attempt by force, a declaration from us of grace and favour to that island may have any influence on them towards the reducing them to their loyalty, and, if so, by what way the same shall be attempted. So not doubting of the continuance of your care and affections, we bid you hearty farewell. Given at our court, in the island of Jersey, the 4th of May, 1646.

"Mr. Andros, De Sameres."

"CHARLES P.

The queen of England was then in France, and she sent a pressing invitation to the prince to repair to that country, where his person would be less in danger; but this recommendation was opposed by his counsellors, who feared to trust the heir of the British crown among a people who had shown so much indifference to the fortunes of his father. The Lords Capel and Colepepper were, accordingly, despatched to France to excuse the attendance of the prince, and they assured the queen, that Jersey was well able to resist any attack from the parliament. These noblemen suspected some sinister understanding to exist between Cromwell and Mazarin, and that, between the two, the prince would be sacrificed. He, however, went to France on the 26th of July, 1646. In reference to this matter the historian Falle remarks; "The good queen had suffered herself to be deluded by the arts of Cardinal Mazarin, who, about this time, began to intrigue with Cromwell. They wanted the prince in France to make their market of him, and drive the better bargain with England, according as conjectures should fall out and times might vary. No promises were spared on their part to decoy him

over to them, not one of which they meant to keep, as the prince quickly found, when, vanquished by his mother's importunities, and, at last, by her most peremptory commands, he went and put himself into their hands. How little he was considered or assisted, nay, how much slighted and disregarded, it is too unpleasant to dwell on ; but it has often been my admiration, that after he was restored to his kingdom, he would ever put any confidence in so false and so faithless a court."

On this passage from the historian of Jersey, we must make one remark. Charles the Second never found the court of France "false and faithless." He was the mean and degraded prisoner of Louis the Fourteenth, who supplied him with mistresses and money. He abandoned the Dutch for an annuity, and stained the honour of England to indulge in his debaucheries. This low sensualist has been foolishly styled "the Merry Monarch," but the correspondence of Barillon, then French ambassador at the court of Saint James, proves him to have been a mercenary wretch, insensible to any noble feeling, the stipendiary dependant on the coffers of the king of France. His friend Rochester has given the best description of the character of Charles in the following brief sentence :—"Charles never said a foolish thing, and never did a wise one."

We must now return to the affairs of Guernsey. Mention has been made of the appointment of Mr. Robert Russell, as lieutenant-governor. The spirit of the times is manifest in the act of the states, announcing his nomination and arrival. It was ordered that he should take their advice in all that related to the public weal, attend the synods, and submit to their decisions. This yoke being found too heavy, Russell endeavoured to shake it off: he thus created distrust, and, by injudiciously seizing upon the guns belonging to the parishes, betrayed his fears and

weakness ; the malcontents, already numerous, daily increased, faction again reared her head, and at length, by a well conducted and successful insurrection, he was brought for a time under the most perfect control.

A company of soldiers had been sent to Saint Saviour's to enforce obedience to an order against Mr. Leonard Blondel ; an affray, the natural consequence of military interference, ensued, and two of the parishioners were killed. The people, already discontented, soon became violently exasperated ; they rose in arms, secured two pieces of cannon, attacked the lieutenant-governor, and compelled him to capitulate. Though flushed with success, they behaved with moderation, and, having buried their cannon in the pavement opposite his residence, at the top of Fountain-street, they quietly dispersed. These two guns were taken up some few years since, when the street was repaved, and were then embedded in the front wall of a house adjoining, where they may still be seen. James Guillé, esq., of St. George, centurion of the Câtel parish, commanded the islanders on this occasion, when the governor consented to be guided in future in all affairs of weight by the states and the court ; a promise which, when previously made, he had not fulfilled : he agreed to give up the soldiers who had been concerned in the outrage at Saint Saviour's ; to indemnify Mr. Blondel for any loss of property he might have sustained ; and, generally, to maintain the laws, rights, and privileges of the inhabitants.* He also apologized for what had occurred at Saint Saviour's, declaring that he had ordered the soldiers not to fire except in the event of their being attacked, and having ratified the terms of the capitulation, it was ordered that they should be registered on the public records.

The chiefs of the royalist sedition having been seized and sent to Lord Warwick for punishment, as

* Jeremie.

already narrated, the parliamentary commissioners indulged the hope of having brought the island into a state of permanent tranquillity. But the period of repose was short, and the following information roused them to fresh exertions.

On the 12th of September, 1645, Captain Francis Mangler, of the ship *Hollandia*, of Flushing, of four hundred tons, and carrying thirty soldiers, being driven out of his course by contrary winds, sought shelter in Guernsey roadstead. He declared on oath, before the lieutenant-governor, that, during his stay at St. Malo, Peter De Marley, commanding a Dutch ship in the service of King Charles, had informed him that John Osdounck, admiral of the royal fleet, and then in Falmouth, had sent a letter to him, Marley, who was a nephew of Osdounck, which he allowed the deponent Mangler to read. This letter ordered Marley, and the captains of all the royalist frigates, to repair to Falmouth. Mangler further deposed that, (he being curious to know the reason of this order) the said Marley told him, after much entreaty, that this naval armament was intended to reduce the island of Guernsey into submission to his majesty. Mangler then stated that, about three weeks ago, when at St. Malo, he had embarked two hundred seamen on board his vessel, and, accompanied by three of his majesty's frigates, was bound to sail to Bordeaux to take in more men; that the time appointed for the execution of this design, if wind and weather permitted, was the latter end of the present month, September, and that, in order to effect it, Osdounck was to cross the channel from Falmouth with twenty to thirty vessels. Mangler further declared that Marley had told him that Guernsey, when reduced, would afford a harbour secure in all weather for his majesty's fleet, and that, as it was midway between the parliamentary trading ports and the coast of France, his majesty's ships could avail themselves of every favour-

able opportunity to put to sea and capture rich prizes, with a certainty of a safe retreat in case of danger. The deponent also affirmed, that the Dutch vessel which conveyed the queen from England to France, and had since secured the ship *Portugal*, went lately from Falmouth laden with tin to Havre-de-Grace, there to take in ammunition and men, with the intention of landing them at Falmouth, and he expressed his belief that this vessel would form one of the fleet destined to attack Guernsey.

This intelligence excited the greatest consternation among the parliamentary commissioners and the jurats, who, after having maturely deliberated on the state of affairs, determined to depute Mr. Peter Carey as their special ambassador to London, to represent the facts stated, and solicit assistance to repel the meditated attack. For this purpose he was provided with a passport by the lieutenant-governor, and he was instructed by the court to see Lord Warwick, and urge on him the importance of sending a squadron to the island. Mr. Carey arrived at Portsmouth on the 19th September, 1645, and immediately mounting on horseback, the usual mode of travelling in those days, he arrived in London on the following day, late in the evening. He attended the committee and produced his credentials, when Lord Warwick presented his letters and instructions. These were instantly read, and the committee resolved to nominate Lord Warwick governor of Guernsey for another year. They also engaged to give Mr. Carey letters to the vice-admiral, desiring him to furnish the vessels prayed for to the extent of his ability, and empowered him to receive two hundred muskets for the use of the island. In reference to this application parliament issued the following orders :—

“Die Martis, 23d of September, 1645.—It is this day ordered by the lords in parliament assembled, that the committee of the admiralty do give present orders to the vice-admiral to send sufficient shipping to defend the island of Guernsey.”

“Die Jovis, 25th of September, 1645.—Resolved, by the house of peers, that

the Earl of Warwick is hereby made governor of the islands of Guernsey and Jersey for one whole year, next after the date hereof, as formerly he has been. And the concurrence of the commons is desired thereon."

The following is a copy of the letter addressed by parliament to the vice-admiral, at the request of Mr. Carey:—

"Vice-admiral,—Upon some representations made to the committee of both kingdoms from Guernsey, and from their lordships, reported to the house of peers, the said house has, by an order of Tuesday last (a copy whereof we send you enclosed herein), directed this committee to give you present orders to send sufficient shipping to defend the said island, the necessity whereof will appear by the information itself, a copy whereof we have herewith sent you, and of the execution of which order we would have you be very careful. We have this day, by another letter, acquainted you with the danger of some of our merchant ships homeward bound, which may, for the present, weaken your abilities to supply these several services; but we desire you to do for both what you are able."

Mr. Peter Carey then procured the following letter from Lord Warwick to the vice-admiral, which he was ordered to deliver with his own hand:—

"Vice-admiral,—The parliament have been pleased to command me again to undertake the government of Guernsey and Jersey, upon some information lately given them from the said island of Guernsey, of an intention to preserve the peace and safety thereof, which was communicated to yourself. The house of peers have given order that a convenient number of ships should be sent for the defence of the island, a copy of which order was sent to you from the committee of the admiralty, to which I shall only add my particular desire that, from time to time, as there shall be occasion, you will be careful of that island, the preservation of it in the parliament's power being of much importance. For this end you will spare as many vessels as you can conveniently, until the danger lately represented be over, for which end I also hope to obtain an order for land soldiers to be sent from hence. The gentleman, the bearer of my letter, Captain Peter Carey, goes down purposely, according to the desire of the lieutenant-governor lately imparted to you, to whom I pray you give as quick despatch as you can. Dated London, 29th of September, 1645."

On the 1st of October, Mr. Carey finished his negotiations in London, and being most active and indefatigable in discharging the important trust confided to him, he left the metropolis on the following day and proceeded to Gravesend by water. Landing there, he instantly started for Canterbury, where he slept that night. Early on the following morning he reached Dover Castle, where the vice-admiral was residing, to whom he presented his letters, and acquainted him with all the particulars relative to the reported invasion of Guernsey. After a conference

of two hours, the vice-admiral granted him seven vessels, which number Mr. Carey affirmed were indispensable, and, immediately embarking on board the *Nicodemus*, he sailed for Portsmouth to procure a pilot, which port he reached on the 4th October. The naval armament set sail that evening, and arrived in Guernsey on the following day: it consisted of seven vessels, the *Star*, Capt. Constable; *Greyhound*, Capt. Cottein; *Robert*, Capt. Rue; *Lily*, Capt. Lambert; *Welcome Pink*, Capt. Green; *Dove Pink*, Capt. Hazarl; and the *Nicodemus*, Capt. Passé. With the exception of the *Nicodemus*, they all remained in Guernsey till the plan of the royalist marine was rendered abortive, and the danger had passed away; but it is surprising that they did not attack Castle Cornet.

Scarcely were the islanders freed from the imminent danger that threatened them from without, than two rival factions sprang up within. The one was supported by a majority of the jurats and other members of the states; the other consisted of Peter De Beauvoir, the bailiff, and Peter Carey, the sheriff, (afterwards lieutenant-bailiff,) and the douzaine of St. Peter's Port. The first open attempt against the bailiff's authority was made in March, 1647, when Mr. De Quetteville laid claim to that office by virtue of a commission which he held from King Charles the First, dated as far back as 1631, and disputed the legality of the appointment made by the Earl of Warwick, in favour of De Beauvoir. This bold step can only be accounted for by the reliance placed upon the influence of Russell, the lieutenant-governor, or that of the royalists. The court, having previously named John Carey, as judge delegate, to preside during the differences between the two bailiffs, ordered De Beauvoir to deliver up the seals of the island, and upon his refusal each party carried its complaints to England. De La Marche went to London, pretending to be a deputy sent by the states to obtain the remodelling of

the existing parliamentary commission, so as to include a majority of his friends. Gosselin, then the friend of De Beauvoir and Carey, was also in the capital to watch the movements and circumvent the designs of his competitor, who attempted to prevail on parliament to order several Guernseymen to appear personally at Westminster, there to give evidence; and, as few could have borne that expense, he hoped by this manœuvre to suppress a portion of the testimony that militated against his own views. The royal court, alarmed at these proceedings, promulgated a declaration to the effect, that the inhabitants were exempt from personal attendance out of the bailiwick, citing several orders in council passed in the reign of Elizabeth and her successors, to wit, of the 21st of June, 1565, the 9th of October, 1580, the 9th of June, 1605, and the 27th of June, 1627; and they then specially appointed Mr. Peter Carey, their attorney, to defend the rights and privileges of the island before parliament. This active gentleman soon arrived in London and presented a statement to the council, in which he enlarged on the important services already rendered by the parliamentary commissioners in Guernsey and the losses they had sustained, and concluded with praying that they be retained in office. Notwithstanding the critical state of the nation, and the vital importance of the affairs then under discussion in both houses of parliament, the deputies were, it would appear, heard often at great length, and with much attention. Gosselin, in a letter of the 20th of May, and others of a subsequent date, mentions several interviews with the speaker of the house of commons, and adds, that long debates had taken place on matters relating to the island. Carey was, to a certain extent, successful in the object of his mission.

On the 3d November, 1647, the lords and commons assembled in parliament passed the following resolu-

tions for the regulating and well ordering the affairs of Guernsey, Alderney, and Sark :—

“The lords and commons assembled in parliament, taking notice of the great sufferings of the well affected inhabitants of the town and island of Guernsey, and the adjacent isles of Alderney and Sark, for their adherence to the parliament, against the open and avowed enemies thereof, and likewise of their oppressions and grievances by reason of the malignant and disaffected persons in places of judicature, office, and authority there ; for remedy therein, do order and ordain, and it is ordered and ordained by the said lords and commons, that Edmund Ludlow, John Weaver, John Birch, and John Harrington, esqrs., members of the house of commons, or any two or more of them, shall be, and hereby are, constituted and appointed commissioners, and are authorized to hear and examine the complaints and grievances of the said inhabitants. And for the better performance thereof, they are to call to their assistance all, or any of the commissioners appointed in March, 1642, for the government of the said islands, or such other inhabitants there as they shall think fit. And likewise to call before them such persons as are, or shall be, complained of, and acquainting them with the charges preferred against them, to take their answers thereunto, and examine witnesses on either part on oath, which hereby they are authorized and required to administer, as well for proof of the several charges to be before them exhibited, as for the just defence of the parties accused (if the same be desired) ; and the examinations so taken with the whole charge, answer, and defence, and also the desires and grievances of the said inhabitants, closed up, signed, and sealed under their hands and seals, to return with all convenient speed to the speakers of both houses of parliament, and otherwise to report the same, to the end that, upon hearing of the whole matter, and the desires of the inhabitants, such course may be taken as may tend to their peace and quiet government in times to come.

“And, be it further ordained, that the said commissioners shall nominate and appoint a receiver of the public revenue of the government of the said island ; and they shall also represent to both houses what they think fit to be allowed to the governor of the said island for the time being, for and in respect of the execution of the said place ; and when both houses shall have resolved upon his pay, the said receiver shall pay the same unto him out of the said revenue ; and the said receiver shall pay the garrison of Sark, and of the castle of Guernsey, when reduced, and the charge of the soldiery belonging to the said islands, by such proportions and in such manner as the said commissioners shall limit and appoint.

“And, whereas divers of the inhabitants of the said island have sustained great loss by Sir Peter Osborne's beating down their houses with shot from the castle, and have been at great charges in making fortifications against the said castle ; and, whereas the deputies of the said town of Guernsey have been at great charges in their several voyages and attendances upon the said service, and for the good of the said islands, it is hereby ordered and ordained, that the said commissioners may consider what shall be paid and satisfied unto the said persons for their losses, damages, and expenses, to the intent that the same may be presented unto both houses of parliament, and that such sums as both houses shall think fit, be paid unto them out of the surplus of the said public revenue, the residue whereof to be managed and disposed of, as both houses shall think fit.

“And, it is further ordered, that the whole charge of executing this order shall be defrayed out of the said revenue by the receiver to be nominated as aforesaid, who is, from time to time, to be accountable for his receipts and disbursements to the commissioners, or such other persons as shall be, by both houses of parliament, on that behalf appointed. And the bailiffs, jurats, and other officers of the said islands, as likewise all captains of ships, and all other persons there residing, or repairing to the said islands, are hereby required and enjoined to be aiding and assisting the said commissioners, their officers and their agents.

“And, it is lastly ordered, that the said commissioners and all other persons acting by power of, and in pursuance of, this order, shall be, for so doing, kept harmless and indemnified by power and authority of parliament.”

and of compelling "the poor people of the isle to lose their time in law-suits, by making unusual speeches, uttered to please his own vanity, and not for the despatch of business, or the good of the people, who often lost whole days on matters which ought to be terminated on the first hearing."

In reply to this impeachment, De Beauvoir sent a detailed justification to the council of state, answering each charge separately. He observed that the articles were signed by Mr. Gosselin only, and that, with respect to the delay in law-suits, he despatched as many as three hundred cases in one day, which, he quaintly added, was as much as could well be done! In answer to a charge of being a railer, and public calumniator in open court, abusing every court day some one of the people, magistrates and parochial officers, and tolerating the same conduct in his relations and friends, he stated, "that knowing drunkenness to be the capital sin of Guernsey, whenever he had occasion to address the people, he represented to them what a foul and beastly thing it was to see the officers of justice drunk." Whether he alluded to the jurats, or to the court or parochial officers, does not appear, but, although such an accusation is very discreditable, great allowance must be made for the assertions of a judge standing on his defence, especially as his replies, in some cases, partake more of recrimination than of refutation, and as he seems to us to have been a man of an imperious and intriguing character.

Among the reasons given by De Beauvoir, why his accuser (Gosselin,) had rendered himself unworthy of holding any magisterial office, was this, "Because he is an avowed enemy of the government of England, having declared that he wished to see a king on the throne." This charge, which might have been of essential service to Gosselin some years afterwards, he then resented as an atrocious calumny, and quoted instances of his inviolable fidelity to the common-

wealth. How he managed at the restoration to acquit himself of this short-sighted line of defence does not appear, but he doubtless easily changed sides, and then became as staunch a royalist as he had before endeavoured to prove himself a zealous republican.

Whether in consequence of another complaint to the commissioners, or from the late impeachment, Mr. De Beauvoir was deprived of his appointment as bailiff, and the jurat Bonamy was named judge delegate. But this arrangement was of short duration, for, in 1653, the twelve jurats were directed to fulfil the duties of bailiff in rotation, and by the same order four or five of the jurats were discharged under the alleged pretext of age and infirmity, although one of them had been scarcely five years in office. In February, 1655, however, Peter De Beauvoir* was re-established a third time as bailiff, and so continued till the restoration.

About the period of these impeachments, another singular proceeding took place, which arose from a complaint made by Mr. Bonamy against the jurat Le Marchant. A petition being presented by him to parliament, in which he stated that he had been insulted in the discharge of his duty by the defendant, and that he could attribute this conduct to no other cause than his own zeal in favour of the commonwealth, his case was referred to the states, with an order to institute an instant inquiry into its truth. They therefore met, and determined that the matter should be investigated by the whole body; but the court-house being too small to accommodate so large an assembly, they removed to the town church, where they continued, until Le Marchant, finding that he could no longer evade their decision, fled from the island.†

* The name of this ancient family, second to none in wealth and station, became extinct in Guernsey, in 1810, on the death of Osmond De Beauvoir, esq., when his large property was inherited by distant relatives. Another member of this family, whose ancestor appears to have settled in Kent, in the seventeenth century, died in England about eighteen years since, leaving property worth upwards of half a million sterling, and being without a single heir male of his own name, this immense property went to a very distant relative or friend, who took the name of De Beauvoir, and who has lately been created a baronet.

† Jeremie.

It is an extraordinary circumstance, which proves in some measure the strength of the friends of the old government, that although the bishops were, in England, deprived of their right of sitting in the house of peers; although the episcopal form of church government was abolished, and the clergy prevented from interfering in lay assemblies, they still continued members of the states of this island. An attempt was indeed made to remove them, but it proved abortive.*

Before concluding our narration of the local events of this unhappy reign, it is necessary to add, that between the years 1598 and 1634, no less than nine women and two men were burnt for sorcery,† so that witchcraft, of which Heylin makes such singular mention, appears to have been a very dangerous vocation, but every remnant of that gross and cruel superstition, which of olden time immolated so many innocent victims, has now nearly, if not entirely, disappeared from the island. While on this subject, we must not omit the following translation of an extract from the "*Remarques et Animadversions, sur l'Approbation des Lois et Coustumier de Normandie usitées es Jurisdictions de Guernezé, et particulièrement en la Cour Royale de la ditte isle,*" by the Rev. Thomas Le Marchant, minister of the Established Presbyterian Church of Guernsey, who, about the year 1650, was deprived of the livings of the Vale and St. Sampson's, because, from conscientious motives, he refused to sign the act of uniformity. His treatise was printed and published in 1826, by order, and at the expense, of the Royal Court.

"It is this power," observes Mr. Le Marchant, "of determining criminal cases finally, and without the right of appeal, which has led former bailiffs and jurats, most of them illiterate men, to take the liberty, without any law or precedent to that effect, of inventing a new species of inquisition, which has since been established into a custom, against poor simple persons whom the credulity and superstition of the ignorant regarded as sorcerers, and instituting against them proceedings as strange as they were rigorous; and often attributing the effects of

* MSS. Peter Carey.

† Berry's History of Guernsey, p. 300.

nature, whose causes they were incapable of fathoming, to witchcraft or satanic agency, they have condemned them by dozens to be hanged and burnt. And for as much as these poor creatures persisted in maintaining their innocence, they have, from a dread lest the people should believe their words, and entertain a sinister opinion of their judges, invented a species of cruelty which not even barbarians practice, which is, that after sentence of death has been pronounced on these pretended sorcerers, the said judges, in order to justify their own proceedings, and to compel these poor wretches to confess their guilt, have immediately, before the execution of the sentence, caused them to be put to the torture in a manner so cruel, that to some they have torn off limbs, and to others they have lighted fires on their living bodies; and this, in cases where, had an appeal been allowed to the king and his council, the honourable, intelligent, shrewd, and experienced individuals composing that council, would have immediately detected the craftiness of the accusers and the insufficiency of the evidence, censured the superstitious and inconsiderate zeal of the judges and crown officers, maintained the innocence of the unfortunate accused, and vindicated the honour and reputation of the inhabitants from the aspersions cast upon them by proceedings which would make it appear that the island swarmed with sorcerers."—*Livre 1, Remarque 14.*

We must also append the following curious account of the form of homage done in person by one of the *seigneurs* of the island to the king, as extracted from the journal of Sir John Finett, when he was master of the royal ceremonies:—

"One Monsieur De Sammares (father to Amias Andros, marshall of the ceremonies,) dying in Garnezey, where he had beene, by ancient descent, one of the *seigneurs* (as they are there styled) of that island. His sonne was to doe his homage for his teneure there, to the king, as Duke of Normandy, and by the procurement of the earle marshall and lord chamberlaine Earle of Pembroke, obtained the discharging of that duty to his majesty in person, which had beene done by his father before him to the governor in the island, though of ancient times wont to be done by his ancestors to the king himselfe (as it was now heere in England).

"The manner of it being thus—

"His majesty, the 6th of June, 1637, (being a sermon day,) as he passed to chappell, tooke his seat in his chayre under the state in the presence chamber, the sword borne before him by the Earle of Northumberland, and the great lords and officers of state attending; when the gentleman mentioned, (wayting at the presence doore,) was fetched thence, by and between the Earle of Arundell, earle marshall of England, and the Earle of Pembroke and Montgomery, lord chamberlaine of his majesties household, through a guard of the band of gentlemen pensioners; and after three reverences, laying downe his sword and cloake, all in forme (as had beene before prescribed by garter king of arms, Sir John Burrowes), he kneeled downe at the foot of his majesty, and with hands closed betweene his majesties hands, pronounced these words in French:—

"Sire.—Je demeure vostre homme à vous porter foy et hommage contre tous."

"To which the king read this answer, sett downe also in French:—

"Nous vous acceptons, advouant tous vos legitimes droits et possessions, relevant en cette teneure de nous; sauf pareillement à nous nos droits et régalez."

"This said, the seigneur De Sammares (by which name he was thenceforth to be called), quitting his ordinary appellation of Andros, receiving the honor of a kisse from his majesty, rose up, and, with most humble reverence reassuming his cloake and sword, departed."

The execution of the unfortunate Charles, at Whitehall, on the 30th January, 1649, by the republicans,

was a disastrous error, as the king, by rendering his government incompatible with freedom, had only forfeited his throne, but not his life. One of the earliest acts of the council of state was the removal of the Earl of Warwick, whose name we have so often mentioned, from the post of high admiral, and the appointment of Blake, Dean, and Popham to command the fleet.* No serious impression had as yet been made upon Castle Cornet, which was the more singular, as this fortress, built on a small rocky islet, is less than half a mile from the main land, the heights of which completely command it, so that its resolute and protracted defence can only be ascribed, either to the total want of heavy battering cannon, or to the lukewarmness of the lieutenant-governor, Russell. The civil dissensions of Guernsey weakened the influence of the parliamentarians, and they were fearful of not being able to resist an attack from Jersey while the native population was so much divided against each other. Under these circumstances, the local authorities addressed a letter to the celebrated Lord Fairfax, general of all the forces of the English parliament, in which they thank him for his zeal in protecting the island, which they request him to continue, and provide for the payment of the soldiers, the inhabitants being too poor to sustain that burden. But the fortunes of Charles the Second being effectually overthrown at the battle of Worcester, on the 3d of September, 1651, a fleet, under the celebrated Blake, was soon after despatched to reduce both Jersey and Castle Cornet. The latter capitulated on the 15th of December, 1651, the same day that Elizabeth Castle in Jersey was evacuated, when the following articles of surrender were concluded between Major John Hamilton and Mr. Edmund May, commissioners chosen and empowered by and on behalf of Colonel Roger Burgess, who had succeeded

* Continuation of Sir J. Mackintosh's History of England.

the gallant Sir Peter Osborne, on his majesty's part, and Lieutenant-Colonel Barrett Lacy, and Mr. John Trottle, commissioners employed and empowered by Colonel John Bingham, lieutenant-governor of the island of Guernsey, on the part of parliament :—

"1. It is mutually agreed on, that Castle Cornet, with all the fortifications thereunto appertaining, together with all the guns, arms, ammunition, and other provisions of war, with all goods, whether military or otherwise, now in the said castle, (except such as are hereinafter excepted) shall at, or upon ten of the clock in the forenoon, on Friday, the 19th of December, be delivered into the possession of Colonel John Bingham, or those whom he may appoint, without any spoil or embezzlement whatsoever; and that, on the mutual signature of these articles, no further act of hostility shall be attempted by either party; but, in the interim, the officers and soldiers of each party shall keep their respective guards and quarters, without special leave granted by both parties.

"2. That Colonel Roger Burgess, governor of the said castle, with all the officers and soldiers appertaining to the said garrison, shall have liberty to march forth with their arms, and all their wearing apparel, of whatsoever kind, drums beating, ensigns displayed, bullet in mouth, and match lighted at both ends, into the island of Guernsey, there to lay down all their arms, except their swords, and those they shall be permitted to wear, enjoy, and take away; and the said governor, and the commissioners to this treaty, shall each be allowed one case of pistols.

"3. The said Colonel Burgess, together with all his officers and soldiers, shall be provided and accommodated with necessary and convenient provisions, according to their respective qualities, for the full space of twenty days next ensuing the date hereof, whether on shore, in the said island, or on shipboard, by Colonel John Bingham, free and without any disbursement, either by the said Colonel Burgess or any of his officers or soldiers.

"4. That the said Colonel Burgess, and as many of his officers and soldiers as are desirous to repair to England, shall, without any delay, with their abovementioned arms, monies, and other necessities, be embarked in convenient shipping, with safe convoys, to such part or port of England, as wind and weather may permit. And such as are desirous to repair to Jersey, or France, shall be transported thither with all convenient speed; and that from the day of their arrival in England, or Jersey, for the full space of three months, no oath or engagement shall be imposed on the said Colonel Burgess, or any of his officers or soldiers; and if all, or any of them, shall desire to sell their estates, it shall be lawful for them, within three months, to effect the same with free leave, and effectual passports for their withdrawal with their goods and families out of any of the parliament's quarters.

"5. That an act of indemnity be procured with all convenient speed from the parliament of England by Colonel John Bingham for Colonel Roger Burgess, and for all his officers and soldiers appertaining to the said castle, as unquestionable for all and every acts or act by him or them, or by his or their command, at any time committed by land or sea against the commonwealth of England, from the year of our Lord, 1640, to the present date hereof; and that all and singular, the said officers and soldiers, shall have free liberty to travel about their business with the abovementioned arms, respective horses, servants, or other necessities, where their occasions may serve in any of the parliament's quarters, they acting nothing prejudicial to the commonwealth of England.

"6. That all and every person aforesaid shall have free liberty to repair to their several counties and estates in England, Ireland, Wales, or any other of the parliament's quarters, and there quietly abide (if they so please) without any restraint; and all sequestrations against any of their estates, shall forthwith be declared void, without any composition whatever.

"7. That the said Colonel Roger Burgess shall, at any time within six months

next ensuing the date hereof, with his horses, swords, pistols, and servants, not exceeding six in number, together with all other, his or their necessities have free leave and let-pass to repair to his majesty to give an account of his surrender, and also to return to England and Wales, to dispose of his estates, as he shall please, he giving security, neither to do, or advise, any act prejudicial to the commonwealth of England.

"8. That Colonel John Bingham, shall well and truly pay, or cause to be paid, to Colonel Roger Burgess, or his assigns, the just and entire sum of one thousand five hundred pounds current English money, on Thursday, the 18th of this December, at or in the house of Mrs. Carey, widow, (that being the appointed place of meeting), and that in consideration of the great civility showed by the said Colonel Burgess and his garrison to Major Harrison's resolute and gallant party, that became prisoners in the assault thereof.

"9. That Capt. Francis Pouré, and Mr. Edward May, shall be given as hostages by Colonel Roger Burgess to Colonel John Bingham, on payment of the before-mentioned sum for performance of these articles on his part; and on the reddition of the said castle, the said hostages to be disengaged, notwithstanding any pretence to the contrary.

"10. That two of Colonel Bingham's officers, Captain Charles Waterhouse and Ensign Thomas Cromwell, shall, with safe conduct under the hand and seal of Col. Burgess, repair to Castle Cornet, (after notice given to Colonel Burgess from his hostages, that the money agreed on is by them received,) there to take an inventory of the provisions and utensils.

"11. That Major John Burgess, Captain Henry Geach, Mr. Thomas Byng, Mr. Richard Johnson, John Plunkett, and John Yackesley, properly belonging to the said castle, and now absent, shall equally enjoy the benefit of the said articles, as if present. And in case any of them are, or shall be taken prisoners by any of the parliamentary forces (before the surrender), they shall forthwith be discharged and indemnified. And under these articles, Captain Faen Hache, and Mr. William Due, are comprehended.

"12. That all sick persons appertaining to the said castle, shall be permitted to remain in the island of Guernsey until they shall recover strength to depart without any reproach or abuse, and have let-passes, when recovered, to repair to their respective homes.

"13. That all such moveable goods and household stuff, now in the said castle, properly appertaining to Captain Nathaniel Darell, shall be delivered to him, or to those whom he may appoint to receive the same, on his or their demand; and that two beds, brought into the castle by Captain John Clarke's order, shall be delivered unto him, or to those whom he shall appoint, on his, or their demand.

"14. That if any officers or soldiers comprehended in these articles shall, in any particular, break or violate the same, it shall extend only to the particular person or persons so offending, and not be imputed or charged to any other of his party."

These terms, it will be seen, were highly favourable to the besieged, who had, indeed, well merited the consideration of their enemies. Although the art of attacking fortified places was then in its infancy, yet the defence of Castle Cornet for nearly ten years appears now almost incredible. It is true that it had never been vigorously pressed, but when we reflect that this isolated and diminutive fortress stands on a barren rock, to which there is access on foot at low water of a spring tide, and that it is almost within

hail of St. Peter's Port, we cannot but admire the inviolable constancy and resolution of Sir Peter Osborne and his companions in this solitary place of exile, shut out as it were from the world, having little or no intercourse with their friends and relatives, and subject to numerous other trials and privations. That the castle was occasionally attacked, appears by the eighth article, which stipulated that Col. Burgess should be paid £1,500 current English money, "in consideration of the great civility showed by the said Colonel Burgess and his garrison to Major Harrison's resolute and gallant party, that became prisoners in the assault thereof." The ensign, Thomas Cromwell, mentioned in the tenth article, was probably a relative of the protector. Castle Cornet had the honour of being the last spot in the Channel Islands which was surrendered to the parliamentarians, and this on conditions which were evidently dictated by the royalist commander. Dicey,* whose descriptions are, however, sometimes exaggerated and marvellous, says—

"Castle Cornet, it must be observed, is an invincible place, situated upon an inaccessible rock, having little or no avenues to it. In the time of the grand rebellion, it held out a tedious long siege, yet was never taken, although assaulted with the utmost vigour, two several times, by Oliver's forces, when the soldiers in it were most of them sick with the scurvy: but after all attempts to have taken it proved ineffectual, and in which great numbers were slain, the gallant cavaliers, who defended this impregnable fortress, withstood the enemy with the bravest intrepidity, and underwent many hardships, until their provisions were wholly spent; when they were forced to surrender upon honourable terms; not before they had obtained the sum of £1,500 sterling, to secure themselves, when marched out, from farther distress, by Cromwell's party."

The island was thus relieved from the calamities to which it had been exposed since the commencement of the civil war. The occupation of Castle Cornet by the royalists had kept St. Peter's Port in a constant state of siege, while the Jersey privateers destroyed the external trade of the islanders. Yet, not only were they obliged to perform a grievous military duty in defence of Guernsey itself, but to reduce and gar-

* Historical Account of Guernsey, by Thomas Dicey, gent., London, 1751.

rison Sark at their own charge. The marks made by shot from the guns at the castle on the walls of the town church were still visible during the last century,* and so unerringly were these guns sometimes directed, that a gentleman, who was seen walking in front of the court-house at the *Plaiderie*, was killed with a cannon ball; but his fate was the more cruel, as he proved to be a zealous royalist.† The townspeople were therefore forced to remove into the country, which, from the existing troubles and the devastations of an unpaid and licentious soldiery, was nearly uncultivated. In short, the poverty of all classes had become so great, that the states, by a unanimous decision, were under the necessity of enacting, that no debts of any kind should be sued for, except arrears of house and ground rents, and this for a whole year.‡

The affairs of the sister island now claim our attention. During the war, Sir George Carteret had supplied Castle Cornet with provisions and ammunition from Jersey, but for some time previous to its reduction he had confined himself to strengthening that island and inflaming the zeal of the royalists. When news reached him of the execution of Charles the First, he convened the states of Jersey, on the 27th of February, 1649, and there proclaimed Charles the Second as the only true and lawful sovereign. We have already mentioned that Blake was employed to reduce Jersey as well as Castle Cornet, and he arrived in sight of that island with a fleet of eighty sail and a formidable body of troops, under the orders of Major-General Haines, on the 20th of October, 1651, casting anchor in St. Ouen's Bay. It is remarked by Falle, as something miraculous, that a profound calm lasted during the whole time that the ships were

* Some years since, while workmen were employed in removing an old hedge on the estate of John E. Tupper, esq., at the *Côttes*, nearly thirty cannon balls, one of 24 or 32 lbs., were dug out of the earth, into which they had evidently penetrated when fired from the castle, and some are occasionally discovered there to this day.

† Mr. Le Marchant's MS. account of Guernsey.

‡ Jeremie.

hovering round the island, though, during half the year, the sea rolls so heavily into the bay, that no ship can ride there with any safety. On the night of the 22d October, a landing was effected, and though vigorously resisted, the numbers of the invading party overpowered the islanders, and General Haines, on the following day, was in possession of the open country, though the forts and castles refused to obey his summons of surrender. Resistance, however, was brief. The first example of submission was given by St. Aubin's fort: this was followed by that of Mont Orgueil Castle, on the 27th of October. The terms were honourable to the besieged.

Elizabeth Castle, where Sir George Carteret commanded in person, was defended with more resolute determination. The garrison consisted of three hundred and forty men, and was supplied with provisions for eight months. During the siege, Sir George received intelligence that his majesty had safely arrived in France, on which he despatched Mr. Poindestre to congratulate him on his escape, and also to ascertain if he could prevail on the French government to send any succour for the relief of Jersey. King Charles returned an answer by his chaplain, Mr. Durell, a native of Jersey, and afterwards dean of Windsor. It was to the following effect;—that all his solicitations at the court of France were fruitless; that Cardinal Mazarin, who directed its councils, dared not incur the resentment of the PROTECTOR; and, under these circumstances, he desired Sir George to act according to his own discretion, advising him to accept honourable terms of capitulation rather than obstinately protract a defence which, in the end, must prove unavailing.

Whitelocke declares that Cromwell was very apprehensive lest Charles, urged by his necessities, might pledge Jersey to France for advances of money, or even sell it outright. Rumours to that effect had

reached Westminster, but the king, with a wisdom and patriotism he never exhibited on any other occasion, refused to listen to any such overture. Clarendon remarks on this subject, "the king was so strict and punctual in his care of the interest of England, when he seemed to be abandoned by it, that he chose rather to suffer those places of great importance to fall into Cromwell's power, than deposit them on any conditions in French hands, which he knew would never restore them to the just owner, what obligation soever they entered into." Charles felt assured that France could never wrest Jersey from the skilful and fortunate PROTECTOR, and looking forward to his own restoration, he wisely left it in his temporary keeping.

Sir George Carteret concealed the message of his majesty from his followers, having a laudable desire to be the last royalist officer who submitted to Cromwell. General Haines, not being able to bring his artillery nearer to Elizabeth Castle than a distance of three quarters of a mile, could not produce any efficient damage to the works, so that the siege seemed likely to be protracted till the garrison was starved out by famine; but at length some shells, thrown from a mortar, broke through two vaults, and exploded the powder magazine, killing forty soldiers, besides some armourers and carpenters. Mr. Falle says that these shells were *thirty* inches in diameter, but the Reverend Mr. Durell, the last annotator on Falle, reduces the dimensions to *thirteen* inches, and about two inches thick, and he states that fragments of them are still retained in the armoury of the castle. The siege of Elizabeth Castle, according to a tradition mentioned by Mr. Durell, lasted six weeks and two days, nor indeed can it have lasted much longer, as the enemy landed on the 22d October, 1651, and took possession of that fortress on the 15th December following; therefore, the siege may be said to have lasted seven weeks. The following were the terms of the capitulation.

lation, which were highly favourable to the besieged, and the acceptance of them by Cromwell shows that he considered the Jersey men most formidable enemies, for we cannot attribute his lenity to favour or affection towards such implacable foes :—

" 1.—That Sir George Carteret shall receive a full indemnity for all he has done during the troubles up to this day; that he shall peaceably enjoy all his goods, chattels, houses, leases, and grants, lawfully to him belonging at the coming of the parliamentary forces into the island; that he shall be at liberty to dispose of the said property according to his will, without compounding for it, and to live or die in the countries subject to the parliament, without being obliged to take an oath or covenant, provided always that he undertake nothing against the parliament; that the said Sir George Carteret shall be allowed to go to and from France, without any hindrance; that he shall have and hold for ever the lordship of Meleches, and that, in virtue of a grant made thereof in the eighteenth year of the reign of the late king, to reward him for his good services against the Turks, with other lands, rents, and services, without compositions, from which he is relieved and excepted by this and all the succeeding articles; and that one of the vessels now moored near the said castle shall be, with all its appurtenances, at his disposal for his own passage.

" 2.—That all persons who are within the said castle shall retain all their possessions situate within the parliamentary quarters, such as they are at present; that they shall be indemnified for all they have done during the present war up to this day; that a term of nine months shall be granted them to settle for their composition, which is not to exceed two years of their income according to the rate established by parliament for that purpose, and is to be raised in this island by those whom parliament may appoint for the islanders, and in England for Englishmen and others; that an oath shall be tendered to them that they will undertake nothing against the parliament under pain of confiscation of their property, and for those who have none, under the penalty of a reasonable sum, for which they shall give security, in case they should remain any longer within the states of the parliament; that no civil actions for debts or other matters shall be brought against them before the expiration of the nine months provided by this article, and that it shall be left to the parliament's good pleasure to allow the seigneur of St. Owen to compound for the isle of Sark.

" 3.—That no rent hitherto paid by virtue of the patent then in force, shall be used for or demanded, and that nobody shall be molested for having paid or received any.

" 4.—That all persons who may wish to go abroad, shall enjoy their property as if they were present on the spot; that they shall be allowed to sell it to the best advantage they can, and have passports given to them when they may require them to remove themselves, their money, or other goods, whither they may think proper, after having paid the aforesaid composition.

" That Mrs. Le Montais and Mrs. Seale, and their children, shall have passports to go to and fro, and shall possess the whole of their estates without any composition.

" 6.—That John Le Brun, belonging to Sir George Carteret's establishment, shall enjoy without composition his property, which amounts but to eight jacobuses of yearly rent.

" 7.—That if Sir George Carteret, or any of those with him, should be desirous of going to Virginia, or any other American settlement, they shall have passports to go thither, without being molested in their persons, vessels, servants, or goods, and shall be allowed to remain there peaceably, provided they do not undertake anything against the parliament of England.

" 8.—That Sir George Carteret, with all his military and naval officers, either

in active service or invalids, together with the private soldiers and gentlemen leaving the above-named castle, shall march out, with their horses and arms of all sorts, to some convenient place within the island, colours flying, drums beating, and all the honours of war, and shall there surrender them to those whom General Haines may appoint for that purpose, with the exception of swords for the privates, and of horses, swords, and cuirasses, and pistols for the officers, and that, in general, all the above-mentioned shall keep their accoutrements of all sorts, with their papers and account books, without being plundered or searched for what they may carry with them.

"9.—That the sick and wounded be left in the castle at the time of its surrender, and be particularly taken care of till the recovery of their health.

"10.—That all the prisoners on both sides, belonging to this island, shall be immediately set at liberty, and have the necessary passports granted them to go to their own homes.

"11.—That all persons comprized in these articles, who may wish to go either to France or England, shall have vessels supplied them for that purpose by General Haines, with provisions for the passage; the whole at the expense of the parliament.

"12.—That if it should happen that any officer or private comprized in these articles should violate them in whole or in part, such violation shall not be imputed to his party, but only to the person guilty.

"13.—That General Haines shall cause these articles to be ratified by the parliament.

"14.—That Sir George Carteret shall deliver, or cause to be delivered to General Haines, for the parliament, Elizabeth Castle, with its guns, arms, ammunition, and implements of war, together with the provisions and other matters now being within the said place, as well as the register belonging to the jurisdiction of the isle of Jersey, and the vessels and sloops in the harbour, with all their appurtenances, the whole in good condition, on Monday, the 15th of December, if the wind should be fair for St. Malo, save and except the furniture, money, and plate of Sir George Carteret, being his private property, of which an inventory shall be made."*

Hume, as well as the other English historians, has fallen into the error of supposing that Guernsey held out for the king because Castle Cornet did so, and he says—

"With equal ease were Jersey, Guernsey, Scilly, and the Isle of Man brought under subjection to the republic; and the sea, which had been much infested by privateers from these islands, was rendered safe to English commerce. The Countess of Derby defended the Isle of Man; and with great reluctance yielded to the necessity of surrendering to the enemy. This lady, a daughter of the illustrious house of Trimouille, in France, had, during the civil war, displayed a manly courage by her obstinate defence of Latham-House against the parliamentary forces; and she retained the glory of being the last person in the three kingdoms, and in all their dependent dominions, who submitted to the victorious commonwealth."

We cannot ascertain the exact date of the surrender of the Isle of Man, which was doubtless the last to be seriously attacked; but having just shown that Elizabeth Castle was not so easily taken, we regret that its

* When Jersey surrendered to Blake, sixty thousand weight of "Poor John," probably codfish, were among the stores in the castle.—*Life of Blake*, p. 46.

trees cut down, and their sheep stolen. The parliament promised that the soldiers should be no charge to the inhabitants, yet they took no notice that the island was almost undone and could not bear the burden. In England, soldiers pay for their bedding, fire, and candle, or else are quartered at inns and alehouses; but the soldiers extorted this entertainment from us. In this particular the island has paid, in five years, above seven thousand two hundred pounds.

"The humble desire thereupon is, that there may be some charitable and just relief, since the inhabitants are members of the commonwealth, as well as others in the great parts thereof. That the unreasonable payment of the aforesaid thirteenth be no longer paid, but remitted. That camparts, likewise, (at least those belonging to the state, amounting to about ninety-one pounds sterling per annum) be remitted and abolished. It is a small thing for the state to grant, and is of great consequence to the welfare of the island, in reference to breaking up and ploughing the land. The state will be no losers thereby, for when the people are encouraged, they will be enabled to defend the island by their own means, having provisions within themselves. And, if this exaction, no where practised but in Guernsey, be remitted and abolished, tithes will increase, as more land will be brought into culture when this discouragement ceases. This is the burden of which they at all times complained to Queen Elizabeth, and to the last two kings and to parliament, and of which they have been promised redress by the council of their several majesties. And this promise was one of the strongest inducements to continue them firm in their duty under their incomparable evils during the civil war; to wit, that the campart should be abolished.

"Touching the fidelity of the inhabitants. The fidelity, inviolable affection, and adherence to the crown and state of England from the conquest, appear from the acknowledgment, approbation, esteem, and special commendation of several kings, queens, and of the late parliament, which have been communicated from time to time to the inhabitants of Guernsey, as it appears by the records of Edward the Second, Richard the Second, and Henry the Fourth.

"Parliament, on the 23d of March, 1643, did commend the faithfulness of the inhabitants, and did heartily thank them for the same; and, as a token of the confidence they reposed in the fidelity and manhood of the said inhabitants, they committed the government of Guernsey and the management of affairs there to twelve of the inhabitants. And indeed all the inhabitants have been most loyal and obedient in all their services to their great expense, and to the dangers and perils of their persons, for the crown and state of England. King Edward the Third, in the fifteenth year of his reign, praises them for their constancy and magnanimity in preserving the island, and acknowledging their great losses and perils of body. They suffered and overcame many evils in the reign of Richard the Second. The strong castle of Mont Orgueil, in Jersey, was taken by the French; Guernsey recovered it, whereof several princes make honourable mention.

"The island of Sark has been twice lost: the Guernsey men recovered it, and during the civil wars have for a long time kept a garrison there at their own expense. Castle Cornet has revolted thrice by the perfidy of the captains and governors. Sir Peter Osborne was the last, who, with thousands of great shot, battered the houses of St. Peter-Port about the ears of the inhabitants; but notwithstanding all the mischief he did, neither his promises nor threats could move the inhabitants from their affection and loyalty. On the two former occasions, the inhabitants recovered the said castle.

"And whereas, for the avoidance of many inconveniences in the island of Guernsey, it was the will and pleasure of parliament, on Monday, the 29th of August, 1653, to order an establishment to be thenceforward observed in the court of the said isle, viz., that the twelve jurats there take their turn to hold and execute the office of bailiff, or president of the court, for the space of a month only and no longer; the inhabitants do declare by us that they are very well satisfied with this establishment, finding great benefit therefrom, and humbly desire that it may be confirmed. And, whereas Mr. P. De Beauvoir, *des Granges*, is a man of strange temper and disposition, who, from his aspiring desire to be bailiff of the island, and ever since he was ousted by council on complaint of articles, has left no stone

returned to reinstate himself in the said office ; and whereas the said De Beauvoir, by himself or his friends, upon false pretences does endeavour to procure the abolition of the said establishment, and thrust himself upon the people ; may it please your highness to continue it to the satisfaction of all the inhabitants, so that there may be no alteration of what is already altered.

" And forasmuch as many enemies of the island and of the good of the people, under various plausible pretences, have done very great disservices, and brought much mischief on the said inhabitants by their suggestions to the parliament and council, whereof the islanders had no notice, and the mischief of which, accordingly, they could not avoid ; may it therefore please your highness and your right honourable council that, upon any information whatsoever of person or persons tending to the prejudice of the said island or islanders, or the change or abolition of the laws, customs, and privileges, either in the whole or in part, the court or the states of Guernsey may be first informed, and time and liberty be given them to answer before anything be granted to the desires of any informer or informers, the neglect whereof has been the cause of infinite abuses and evils to the island, as the late parliament have countenanced (not thoroughly knowing them) very base and undeserving men to the great disservice and damage of the state.

" They also humbly crave the renewal and increase of some of their privileges, viz., for wool and calves' skins. Also, as the licenses are given, not only for the use of the bailiff and jurats, but also for the inhabitants, they humbly crave to have the disposal of them.

" Castle Cornet, as it is at this day, and as it has been for many years, commanded by a governor and lieutenant-governor, and other officers, with private soldiers, provisions, ammunitions of war, building of platforms, walls, works, and dwellings, with such repairs as the governors have from time to time thought convenient for themselves, or for the place, will be found to have cost annually three thousand pounds sterling to this state. It cannot be presumed that this state should undergo so great a charge in maintaining the said castle, if it were not represented as useful and serviceable, either for repelling a foreign enemy, or retaining the islanders in their duty : in both which cases it is humbly conceived the said castle is altogether useless, and that we shall endeavour to make appear by reason and experience.

" As to matter of defence against invasion, it should be remembered that there are several places in the island distant from the said castle, some three, some four, some five miles, so that no cannon from thence could hinder an enemy from landing at pleasure ; then the said castle is surrounded by the sea, except one hour, or thereabouts, in a fortnight's time, so that the soldiers from within the castle cannot sally out into the island by land, nor by boats, there being no shelter for them about the castle, and they would be at the mercy of such guns as might be planted upon the harbour and places adjacent.

" And it has been observed during the late troubles that ships did securely ride in the roadstead out of command of the castle, from which many thousands of shot were cast away without annoying them ; neither did it hinder the soldiers and others from coming into the island.

" As to the curbing the inhabitants of the island, if there were cause, it may be considered that the islanders are a great deal too numerous to be mastered by the ordinary guard of the castle in open field ; and all that can be done by the guns from the castle can but batter some houses in the town, an island of this extent not being likely to be awed by a castle remote from it, as has been proved by the experience of nine years.

" It may be further observed that the islanders have never deserted the English interests, as may more at large appear by the different charters granted by the several kings and queens of England from time to time, and by their constant fidelity to the state and to your highness. Besides, there is no likelihood that an island, consisting wholly of Protestants, and enjoying very large privileges, should turn towards any of the neighbouring princes, where subjects are so vassalized in their consciences and estates. Again, their political interests fasten them to

England, without the commerce whereof they can have no leather or wool for their manufactures.*

"It has likewise been observed that, during nine years of the late wars, the said castle having revolted, (although the governor had great influence and exerted it to the utmost,) yet he was not able to seduce the islanders, nor face them in the field; but, on the contrary, the inhabitants besieged the castle, and would in all probability have reduced it in a month's time, if they had been furnished with such mortar pieces and grenades, as were used for the reduction of Elizabeth Castle, in Jersey, a stronger place than this, and twice the distance from the land, and yet it was reduced in less than six weeks.

"It may be further considered, that if an invasion of the island were attempted, it is very likely that not only the governor and the soldiers would retire into the castle, but most of the principal islanders would crowd into it with them, and strive to save the best of their goods there, to the discouragement of the rest and the loss of the whole; whereas, were this castle reduced to a block house, and some of the expenditure of war, and some of the public revenue employed to fortify the island, the castle would be as serviceable as it is now, and the island much the stronger.

"These things being so, it remains to be unfolded how the said castle came to be of that consideration with our late princes, it being anciently no better than a block house. First: Queen Elizabeth was persuaded by one Chamberlayne, captain there, to enlarge it with a platform: next, one Leighton found a necessity for girding it with a stone wall; after him the Lord Carew, and then the Earl of Danby (whose deputy was Sir Peter Osborne), not being content with the revenues of the island, have, from time to time, made it their business, through friends at court, (under pretext of augmenting or repairing the works for the safety of the island and the honour of the nation,) to draw great sums of money out of the Exchequer, as would be manifest if the records were searched, and that for the enriching themselves, as is clear by the testimony of many persons yet living, who remember that the said governors have constantly made the poor inhabitants bestow their labour on the said works for little or nothing."†

On the death of Oliver Cromwell, on the 3d of September, 1658, the States of Guernsey hastened to forward an address to his son Richard; but as the deputy-governor, Capt. Charles Waterhouse, seemed disinclined to allow the convocation of the meeting, the jurats sent him the following letter, in answer to one he had written to them on the subject:—

"Sir,—In answer to your letter of the first of this month, we shall lay down, as a matter of fact, that some weeks since Mr. Bailiff was desired, in court, by some of the justices, to draw up a writing by way of address to his highness, which

* These privileges and immunities, (together with divers others) seconded of late dayes with the more powerfull band of religion, have been a principall occasion of that constancy, where-with they have persisted faithfully in their allegiance, and disclaimed even the very name and thought of France. For howsoever the language which they speak is French, and that in their original they either were of Normandy or Britagne, yet can they with no patience endure to be accounted French, but call themselves by the names of English Normans. So much doth liberty, or at the worst a gentle yoke, prevail upon the mind and fancy of the people.—Heylin.

† The islands were not oppressed during the protectorate of Cromwell, as we may learn from the following extracts in Burton's Diary, vol. i. :—

October 6 and 7, 1654, were wholly spent upon the distribution of the number of members to serve in future parliaments. We agreed with the instrument in the whole number of four hundred, Jersey and Guernsey being left out, because not governed by our laws, but by municipal laws of their own, and we differed but little in the particular distributions.

January 8, 1656. Resolved, that the islands of Guernsey, Jersey, and Wight, be left out of the bill for excise. Mr. Bond and Mr. Downing said, "These isles are poor, and were never charged in any time, not so much as with customs. All kings and queens are careful of the poor people."

he did accordingly, with a letter to the governor. Both papers were read in court, the people being withdrawn; and it being a proposition tending only to invite such to subscribe as would willingly tender their devoirs to his highness, it remained in the liberty of every one to subscribe to it who would. In consequence whereof Mr. Bailiff and seven of the justices signed the said petition, and abundance more of the chiefest persons of the island afterwards, and the rest had done the same had it not been for the orders which you caused to be published. It is much to be wondered that you should issue out such writings, you having been acquainted with the said petition before any man had subscribed it, and you had approved it, but only found it was too submissive, which we conceive cannot be from us to his highness. But to answer your letter more particularly, we say that the greatest part of it is founded upon three false informations you have received concerning our late proceeding in our addresses to his highness and to our governor. The first is the pretended order of this court for assembling the states about those addresses; the vote of the last was not taken about any such question, neither was any such order made. The second, in that you pretend that in the title of our said petition, we speak of a council of the town, which words were never writ in the original, but these were COMMON COUNCIL,—who imply the persons whereof the states consist. The third is, that in the letter to the governor we got subscriptions to a blank name for him who should be employed in the delivery of these papers, when in truth it was written down in English, which is the original, before any one man subscribed it. Therefore, we do not think fit to return you any answer to many matters and conclusions you have drawn upon so ill a foundation, but as to the main scope of the said letter, which we have reason enough to believe tendeth to bar us and the people of this island from addressing ourselves by way of humble petition to our supreme magistrate for relief in our grievances, unless it be in such manner, and when, and how, and by whom you shall prescribe; and if we do otherwise, you threaten to take a course to coerce us, we thereupon conceive and say, you have not without much oppression such a power as to bar us from that just liberty and privilege, which all the people of this commonwealth have, and do daily use in the same way as we now do, to address themselves to his highness, the Lord Protector, who, being the common father of all the people under his dominions, the addressees to him ought to be as free as breathing in the air; and who, besides, is graciously pleased to receive and admit the same, with the granting the just desires therein contained. We know our petition to be just and honest, tending only to render our duties to his highness upon the death of his renowned progenitor, and to express our great joy upon his succeeding his late highness in the government of the three nations, with an humble desire concerning our own privileges. And if these things deserve such groundless and injurious expressions from you, as our breaking thereby the ancient laws, customs and privileges of the island, and being decoys and underhand dealing to betray garrisons, we leave it to God and the world to judge of it, whereas you threaten to take a course to coerce us. We declare unto you, that neither our persons, liberties, or estates, are liable to your judgment, but that you, and we, upon any difference, ought to attend his highness's determination. As for Captain White, we shall in due time make a reflection upon the several affronts and contempts committed by him against us, who are his highness's court here. And for the tithes, which in our letter we desire our governor would grant to farm to the people, on paying as much for them as the farmers do, and that by way of advance, besides the natural equity which is in that request, the people of this island who, during the late wars, have been constantly faithful to the states, should rather enjoy the benefit of them than those who have been, during the last troubles, desperate enemies to the said states, to whom the best of them are now let. We know experimentally, and will make it appear by all the husbandmen, that since they were taken away from them, the tillage has very much decayed, and a famine brought into the island; and if the governor would please to grant them, it would prove very beneficial to the whole country, and the husbandmen, being thereby encouraged to plough much land, would be stored with abundance of corn, and plentifully supply with it both the poor and the garrison, as they did when there were seven companies of foot here, and now much better, there

being but one left, although you, having above six hundred quarters of wheat to receive yearly out of his highness's revenues, have more than enough to supply the said garrison. As to your complaint that the governor's letter, of which you speak in yours, was entered on the court book, it was done by the opinion of the court then present, but whether we ought or shall unregister yours, you may gather from the premises. It is your unacquaintance with our proceedings that is the occasion of these causeless, but injurious complaints; but if you please to inquire and take view of our court books, you will see that no letters have been registered but those of kings, lords of council, governors, and other eminent persons, and that our registry of the same is out of respect to the persons from whom they come; and in regard to that particular of your letter in relation to the licenses, we cannot but admire your expression in charging most wrongfully the inhabitants to be the cause of the disorder and partial distribution of them, when yourself know well, how long they have complained of, and how much injury they have suffered by, that unequal partition, yet you cast the odium upon them as the cause of it; and because in the hasty censure of our proceeding, which nevertheless in due time we shall justify, having no other end in them but our duty and our humble addresses to our supreme magistrate, you are pleased to use expressions of betraying forts and islands, we entreat you to take notice, that never before, and never with less occasion than now, the fidelity of the magistrates of this island was questioned, and that the revolt of the castle has never been but by defections of the governors and the lieutenants commanding, which (that we may not be mistaken,) we do not speak to make the least reflection on the fidelity of the honourable and faithful present governor or yourself, but we are necessitated to speak these truths to vindicate our unspotted loyalty which you seem subtly to undermine. And lastly, seeing that our proceedings did not please you, because the states were not assembled, to take away that scruple, the court ordered that the said states should be assembled, and you being thereof acquainted by two of the justices, sent to you on purpose, having returned us an answer equivalent to a denial, and contrary to the ancient practice of this island, and to your own on the like cases; and you having done things and writ several papers against the bailiff and the authority of this court, which nevertheless, upon your reading them there, were fully answered, we have thereupon resolved to seek above for a remedy and relief in these injuries, where doubt not of our obtaining the same." We are, &c., &c.

This spirited and independent letter was followed up by the following petition, presented to Richard Cromwell by Messrs. Peter De Beauvoir, *des Granges*, and William De Beauvoir, *du Homet* :—

"To his most serene highness, Richard, lord protector of England, Scotland, and Ireland, and of the dominions which belong to it; the humble petition of the bailiff, justices, town council, and others, well affectioned inhabitants of the island of Guernsey.

"In all humility representing that, having deeply shared the general consternation all well affectioned persons experienced on the death of his late most renowned highness, they have also participated in the great exultation which possesses the hearts of all those who profess piety, and see your highness act in your government for God and his people. And as your humble petitioners hold nothing more precious than their fidelity to your highness, so they consider nothing so certain as the grace and bounty of your highness, which has emboldened them to prostrate themselves in all humility before your highness, most humbly supplicating that you will be pleased to confirm their privileges, franchises, and immunities which they enjoy by virtue of ancient charters; and, considering that the population of this island has so much increased, that more than six thousand persons earn their living by making worsted stockings and other articles in wool, and that one thousand todls of wool are the least quantity necessary to keep them at work, which quantity being

equally divided among the number of persons mentioned, only gives four pounds and a half to each individual in a year; we humbly pray your highness that you may be pleased, out of your favour, to grant to the poor inhabitants of your said isle, the same indulgence and grace already bestowed on the inhabitants of Jersey, by the very noble father of your highness, of happy memory, for the sake of the cordial affection they bear to your highness. And according to their duty, they will pray God to continue his benediction on the person, posterity, and government of your highness."

Charles the Second was restored to the throne of his ancestors in 1660, and as soon as the news of his proclamation reached Guernsey, the authorities at once forgot their allegiance to the commonwealth, and unanimously agreed to acknowledge the hereditary title of the Stuarts; they proclaimed the restored monarch on the 31st of May, 1660. They also sent a deputation to congratulate his majesty on his accession, expressing deep contrition for their past conduct. Of their humility the following document is a strong proof and illustration:—

"At the court of Whitehall, the 18th of August, 1660; present, the king's most excellent majesty in council.

"Upon reading the petition of Amias Andros, of Saumarez, bailiff of the island of Guernsey, and Nathaniel Darell, both of them his majesty's servants, and deputies of the island of Guernsey, on behalf of the inhabitants of the said island, humbly acknowledging their great guilt and unfeigned grief of heart, for having, since the disorders these many years past, submitted to the usurping powers, (which at last tyrannized over his majesty's subjects,) and quitted their duties of obedience to their native sovereign, for which great crimes, imploring his majesty's gracious pardon; it is ordered by this board (his majesty being present) that Mr. Attorney-General do forthwith draw up, in due manner, a full and effectual pardon for all the inhabitants of the said island of Guernsey; the said pardon to proceed in the accustomed manner to pass the great seal of England, so to remain as a monument of his majesty's most royal clemency to all in the said pardon. That Sir Henry Devis, knight and baronet, Mr. Amias Andros, of Saumarez, bailiff of the said island, Edmond Andros, son of the said Amias, Charles Andros, brother of the said Amias, and Nathaniel Darell, have, to their great honour, during the late rebellion, continued inviolably faithful to his majesty, and consequently have no need to be included in this general pardon."

This document proves that, with the exception of the five persons just named, the whole of the inhabitants had outwardly submitted to republican authority. How easily they changed their opinions, is apparent from the following letter forwarded to his majesty by the bailiff and jurats, immediately on the arrival of Colonel Atkins, from London:—

"Your majesty's most gracious letters, brought unto us by Colonel Jonathan Atkins, your majesty's commissioner in this, your poor island of Guernsey, have so

revived the drooping and dejected spirits of the magistrates and people in it, and have had such an influence upon the hearts and hands of all of them, that we could wish your majesty were informed of the fruits of your own labours, and with what joy, what alacrity we received them,—what blessings, what acclamations of joy and gratitude there were expressed in all places after the reading of them, for your majesty's long life and prosperous reign, with blessings upon all your majesty's undertakings, certainly great. As condemned persons, unexpectedly hearing that joyful acclamation of pardon and liberty, cast off all remembrance of past miseries; so this jurisdiction, your majesty's most humble and faithful subjects and servants, with the rest of the inhabitants, hearing and seeing beyond expectation those gracious promises of encouragement under your majesty's own hand, and seconded from your own mouth by that worthy gentleman whom your majesty has been pleased to entrust with the government of this island, as also the assurance we had before of it by that worthy gentleman, Captain Sheldon, your majesty's deputy-governor, all this has wrought such a change in us all, when we reflect on our past conduct, that we can never sufficiently admire and acknowledge your majesty's incomparable goodness and mercy towards us, for which we bless God and your majesty, devoting ourselves, our services, the remainder of our poor estates, and all that is near and dear to us for the advancement of your majesty's service in general, or for the defence of this poor island, part of the remains of your ancient duchy of Normandy which (with God's blessing, and under the conduct of those gallant gentlemen your majesty has been pleased lately to send to command over us) we will defend and secure against all attempts whatsoever; so prostrating ourselves at your majesty's feet with all humility, we subscribe ourselves, &c., &c."

Commissioners were appointed to draw up a report for settling the affairs of Guernsey and Alderney, and adjacent isles, after the troubles. They were—Sir George Carteret, vice chamberlain, Sir Hugh Pollard, governor of Guernsey, Mr. John Ashburnham, of the bed chamber, and Colonel Ashburnham, cofferer of his majesty's household. In consequence of their report, the privy council issued an order, of which the following is the substance. His majesty left the privy council to decide whether he should renew the charters of the island; he appointed certain gentlemen to the office of jurats; ordered the ancient pier dues to be continued, and required the governor to draw up an account of all recent appropriation of those funds; ratified the judicial proceedings of the island; commanded the erasure of all deeds on the registry recorded against the government of his present majesty or his predecessor; directed that a new extent, or rental of his majesty's revenue, should be drawn up by the bailiff and jurats; ordered those who had seized and sold his majesty's goods to be proceeded against; commanded the oath of allegiance and su-

premacy to be administered throughout the bailiwick, with the same formalities as in England ; empowered the bailiff or his lieutenant to pass all contracts for the sale of land, in the same manner as was practised before the wars, and granted a free pardon to all who had supported the rebellion. In reference to Alderney, the king consented that a brief, passed in the eighteenth year of the reign of James, should be renewed for constructing a fort in that island ; and he further directed, that until the fort was complete, six soldiers and one serjeant from each of the garrisons of Jersey and Guernsey should be sent to Alderney by the respective governors of those islands.

The provisions of this order clearly show that the king retained little or no resentment against the islanders for having sided with the parliament and the protector, and that he was disposed to grant a generous amnesty for the past. But the dismissal of certain jurats, and the appointment of others, without the form of an election, was highly unconstitutional. When the governor, Lord Hatton, however, dismissed subsequently two of the jurats who had incurred his displeasure, his majesty ordered that "all elections of jurats should for the future be made according to the charter and ancient custom of the island." The court, anxious to prove itself deserving of the royal favour, faithfully enforced the commands of his majesty, and on the 15th of May, 1661, the names of Oliver and Richard Cromwell were erased from the public registry ; the court further ordered, that all contracts, passed during the usurpation under the seal of the island, should be deemed null and void, and directed that all such contracts should be renewed within a year, counting from Michaelmas day next ensuing, under the penalty of their being considered invalid and illegal.

Having spoken so highly of Mr. Peter Carey, truth compels us to append an order in council, in

which he appears in a less favourable light—and the more especially as no trace of this document is to be found in the public records, the leaves on which it was registered having been torn out, as certified by an annotation made to that effect by the late bailiff, Mr. William Le Marchant, in the margin of the page immediately preceding:—

"At the court of Whitehall, 17th June, 1664. By the lords of his majesty's most honourable privy council, appointed a committee for the affairs of Guernsey.

"Present—lord privy seal, Mr. Vice Chamberlain.

"Whereas, by an order of his majesty's most honourable privy council, bearing date the 3rd of this instant June,* his majesty was pleased to declare his displeasure against Captain Nathaniel Darell, for his misbehaviour towards Mr. Quetteville, lieutenant-bailiff, and as a punishment for the same, did displace him from the employment of lieutenant-governor in that island, and did further direct, that Mr. John Quetteville shall have twenty pounds cost in consideration of the charges and vexations sustained by him in being suspended and displaced† from the office of lieutenant-bailiff of the island of Guernsey, by captain Nathaniel Darell, lieutenant-governor of the same; which said sum the right honourable the lords of the committee for the affairs of Guernsey were ordered to assize and appoint to be paid by such of the jurats as they should conceive to have been most faulty in assisting Mr. Darell in those, his miscarriages; in pursuance of which order, and upon perusal of several depositions relating thereunto, taken upon oath before the right honourable the Lord Hatton, governor of the island of Guernsey, their lordships, finding Guillaume De Beauvoir and Peter Carey to have been the most faulty of those jurats in displacing the said lieutenant-bailiff, and in taking on them to choose another in his room, Guillaume De Beauvoir, in that expression of his, viz., that Mr. Brehaut should officiate in the place of judge delegate, or go a prisoner to the castle if he refused;

"And Mr. Peter Carey, in being too officious in asking the opinion of the court touching Mr. Brehaut officiating as judge delegate;"

"Do therefore assize the said Guillaume De Beauvoir in the sum of fifteen pounds sterling, and the said Peter Carey in five pounds sterling, which said sums their lordships do order to be paid, by each of them respectively, to the said Mr. John De Quetteville, or his assigns, in the island of Guernsey, within ten days after sight of this order, unless they can show good cause to the contrary to his majesty in council, within twenty days after sight hereof."

(Signed)

"JOHN NICHOLAS."

Many complaints were made against Lord Hatton, the governor of Guernsey, and among other charges brought against him, he was accused of having sold some brass guns to the French, which he had taken from Castle Cornet: in consequence of this violation of his duty, and of his arbitrary interference with judicial authority, he was recalled by the king on the 10th of February, 1664, and Sir Jonathan Atkyns was appointed to command during his absence, or, more

* This document is unfortunately lost.

† The suspension was merely temporary, as appears by the act of court still extant.

strictly speaking, during the life of that nobleman, whose son Christopher, Lord Hatton had the reversion of the post. The provisional governor was strictly charged to maintain the privileges of the island.

In the beginning of the following year, the king, having received information that the French had some design upon the islands, sent over commissioners to put Guernsey in a posture of defence, ordering lines of fortification to be thrown up in all convenient places. The captain of the island of Chausey (Vaucour) was fortunately detected in Guernsey when tampering with some of the inhabitants and residents, whom he suspected of disaffection, particularly with General Lambert, the celebrated republican, who had obtained permission to retire to the island at the king's return.* "But the general, it seems, preferred any government to a French one," and, therefore, having made a free discovery, Vaucour was taken up, and, as a convicted spy, suffered death. It is said that this menaced invasion was discovered by secret intelligence communicated by the lady of Marshal Turenne, who, being a Protestant, and zealously attached to her religion, had conceived a singular affection for the people of the Channel Islands; she disclosed the designs of the French court to the Rev. Daniel Brevint, of Jersey, with whom she had been long acquainted, and he forwarded the news to the privy council. Sir Thomas Morgan, a brave and experienced officer, was sent to the island with a squadron to await the intended enterprize, but his presence frustrated all the schemes of the court of Versailles.†

Though the king had confirmed in general terms the privileges of the inhabitants, he more strongly manifested his attachment to Guernsey in 1668, when he granted his charter, in which are recited the various charters of his predecessors, and a particular

* Falle; Dicey; Campbell; Lives of the Admirals; Records.

† Dicey, p. 140.

clause commemorates the recapture of Mont Orgueil Castle, in Jersey. It is thus worded—

"The inhabitants within the said isle have constantly, faithfully, and without offence, preserved and persisted in, faith, obedience, and service, as well to us, as to our progenitors aforesaid. Also we have not forgotten how valiantly the aforesaid bailiff and jurats have acted for our service and for that of our progenitors, and what losses, damages, and dangers they have undergone in demonstration of the unfeigned affection they had for the defence of the isles, as also for the recovery of our castle of Mont Orgueil within our isle of Jersey, the which good affection they have ever since continued."

We have already mentioned the losses which the civil war inflicted on the island, and no stronger proof can be given of the poverty and distress to which it was reduced, than the circumstance that, shortly after the restoration, the states of Guernsey resolved to present a petition to Charles, praying that Guernsey might be united to England, and that acts of parliament might from that period have the force of law here. This proposition was favourably received by the council, whose answer, which was registered on the insular records in October, 1663, was to the effect that parliament would take the matter into consideration as soon as the importance of the affair, and the multiplicity of other business, would allow them to do so.

On the death of the first Lord Hatton, which happened in 1670, his son, Christopher, Lord Hatton, succeeded to the governorship of Guernsey. He was far from following his father's steps, steadily promoting the prosperity of the island and watching over its interests; but, after a residence of two years, a most awful calamity befell him and his family, which we shall narrate in the words of Dicey:—

¹¹ In this island, (Guernsey) on the 29th of December, 1672, an extraordinary accident happened at Castle Cornet, occasioned entirely (from all the inhabitants were ever able to find out) by thunder and lightning, wherein a remarkable instance of divine judgment, attended with uncommon marks of mercy to those who escaped perishing in the midst of the catastrophe, was eminently manifested, agreeable to the following narration offered to the reader's notice, from the most authentic account of the blowing up of the magazine of the castle.

¹² This castle stands before the town and harbour east by south, and commands all the roads and avenues in that part of the island, where the channel is very dangerous and narrow. In this castle the governors usually made their residence, and

received the respects of captains, commanders, and masters of ships, before they went into the island. It is surrounded by the sea, and is never dry but at the ebb of spring tides; its distance from the island is not half a mile.

"On Sunday night, at 12 o'clock, the day before-mentioned, the magazine of this castle was blown up by thunder and lightning. The night was very stormy and tempestuous, and the wind blew hard at south-west, to which aspect the door of the magazine exactly fronted; and the thunderbolt or clap, which accompanied this dreadful calamity, was heard to come circling, or serpentine, over the platform from the south-west. In an instant of time, not only the whole magazine was blown up in the air, but also all the houses and lodgings of the castle, particularly some fair and beautiful buildings, that had just before been erected at great expense, under the care and direction of the Right Honourable the Lord Viscount Hatton, their then governor, who was at the same time within the buildings of the castle; all which buildings were, with many others, reduced to a confused heap of stones, and several persons buried in their ruins.

"In the upper part of the castle, at a place called the New Buildings, was killed, by this accident, the Right Honourable the Lady Dowager Hatton, by the fall of the ceiling of her chamber, which fell in four pieces, one of them upon her breast, and killed her on the spot.

"The Right Honourable the Lady Hatton, wife to the governor, and daughter to the Right Honourable the Earl of Thanet, was likewise destroyed in the following manner:—her ladyship, being greatly terrified at the thunder and lightning, insisted, before the magazine blew up, on being removed from the chamber she was in to the nursery, where, having caused her woman to come also to be with her, in order to have joined in prayer, in a few minutes after, that noble lady and her woman fell a sacrifice, by one corner of the nursery room falling in upon them, and they were the next morning both found dead.

"In the same room was also killed a dry nurse, who was found dead, having my lord's second daughter fast in her arms, holding a small silver cup in her hands which she usually played with, and which was all crumpled and bruised, yet the young lady did not receive the least hurt. This nurse had likewise one of her hands fixed upon the cradle, in which lay my lord's youngest daughter, and the cradle was almost filled with rubbish, yet the child received no sort of prejudice. Besides these, one Ensign Covert; Mr. William Prole, the Lord Hatton's steward, and a considerable number of other persons were all destroyed by the same accident.

"Having given this account of those who perished, I shall briefly mention some of those who escaped, and were most miraculously preserved in this extraordinary and uncommon disaster. First, the Right Hon. the Lord Viscount Hatton, the governor, who, at that time, had his apartment in a very neat convenient house, which his lordship had built about two years before this affair happened. This house stood north-by-east from the magazine, and very near it. His lordship, at the time it blew up, was fast asleep, and was actually, by the explosion, carried away in his bed upon the battlement of a wall, which was battered by the sea, between rugged precipices, just adjoining to his house, and was not awakened but by a shower of hail that fell upon his face, and made him sensible where he was. This, no doubt, must appear very extraordinary, but is averred to be fact. A most miraculous preservation indeed, inasmuch as the house from which his lordship was taken away, was razed to the very ground, nothing of it being left standing but the door case. From those battlements on the wall, his lordship was conveyed by two blacks, (who among other servants attended him) to the guard room of the castle, under the deepest affliction to know whether his lady had escaped, or what was become of her, offering a thousand pounds to whomsoever should bring her alive to him; but no news could be learned of her ladyship's fate, till it was clear day, when she was found crushed to death in the manner related.

"Under his lordship's apartments was a chamber belonging to the lieutenant of his company of foot, who, by the violence of the shock, was carried out of his room, part of which fell in, and he was tumbled in a very extraordinary manner into an entry on the ground floor, but received no manner of hurt. At the upper buildings of the castle were several apartments, and people in them all, particularly

the Lord Hatton's two sisters, (one of whom I imagine to have been the late countess of Nottingham), the ensign of my lord's company, and his wife, with several other persons. Upon my lord's two sisters fell, or rather glanced, a beam, both ends of which happened to be between them, in such a manner that, although they were both together before it fell in, yet they could not afterwards get at each other, but were pulled out of their room through a hole, made on purpose in a partition wall, and neither of them received any sensible hurt; nor did any others in those apartments receive any harm, notwithstanding several rooms fell in, wherein many of them at that time were fast asleep; and some of the floors were in heaps of rubbish about them, as they lay in their beds."

This dreadful catastrophe filled the inhabitants with consternation, and the royal court, deeming it a special act of divine vengeance, appointed a fast day. They also issued an order forbidding all persons to buy timber or any other article from the castle. When the king was informed of the accident, he immediately sent over some engineers to repair the damage, and put the fortress into a state of security, on which the court, at the request of the governor, issued an order, dated the 4th of March following, directing the constables to send thirty men daily to the castle to grub up the foundations, affixing a penalty of fifteen sols per day on those who refused to comply. From this period Castle Cornet ceased to be the residence of the governors, and it must certainly have been a very inconvenient and dreary one. Lord Hatton remained on the island for some time, but he appears to have been the last resident governor, the duties of that office having since been performed by a lieutenant.

About this period some doubts existed as to the appointment of the bailiff, the procureur and the contrôle, and the dean, some insisting that the right of election was vested in the crown, others contending that this privilege belonged to the governor. To settle the point, an order in council was framed at the court of Hampton, dated 27th of May, 1674, which directed that, for the future, "neither the present governor, nor any other governor of the said island, do intermeddle in any way in the nomination, institution, or appointment of the bailiff of the said

island. And his majesty was pleased in council to declare, that neither the bailiff, dean, nor his majesty's procureur or contrôle of the island of Guernsey ought to be nominated or chosen by the governor, or by any other but his majesty himself."

The judicial prerogatives of the bailiff, the duties and privileges of the jurats, and the number of advocates to be allowed to each client, appear not to have been settled at this period. To give some fixedness to the system, and introduce regularity, Amias Andros, esq., then bailiff, presented a plan of reform to the council, on which the following order was issued on the 4th of July, 1674, the plan of Amias Andros having been lodged with the board on the 21st of November, 1673:—

"That the jurats and other court officers, in their turn, attend the bailiff, or his lieutenant, at their chambers, and from thence accompany him to the bench, and that they do not thence depart without his leave, and that they bear due respect to him, as representing his majesty's person, and being his chief minister of justice there, but especially in the court, when he is executing his office. Any offender to be suspended, until he has excused himself before the court, if he be a jurat, or other officer of the court; if otherwise, he is to be imprisoned till he has asked pardon, and paid the fine that shall be laid upon him, according to the nature of his offence.

"That no jurat plead, or give counsel in any cause, but his own; and if he presume to do it, then he shall lose his vote for that time. Nevertheless, if a jurat be not satisfied concerning any point belonging to the cause in hand, and shall desire to be better informed thereon, to the end that he may give right judgment, the judge shall cause him to receive satisfaction.

"That the jurats deliver their opinions, not arbitrarily, but according to the laws and customs of the island, as nearly as may be.

"That none retain more than one advocate to plead or speak in any cause, and that neither the parties nor advocates interrupt one another in pleading, but that the plaintiff first propose his demand, silence being kept in the meanwhile; then the defendant is to make his answer in like manner, and so forward; and he who breaks this order, if he be an advocate, is to be fined at the discretion of the judge, for the first time; to be suspended for a month for the second time, and to be deposed for the third time; if he be a private person, he is to be fined and punished, as the cause shall require.

"That no jurat or jurats presume to administer an oath, except he, or they, be authorized to do it, under the penalty of suspension for three months, if for a small matter; or to incur a *præmunire* to be judged by his majesty in council, if the cause be of great concern.

"That upon the election of jurats, whoever shall endeavour by bribes, feasting, drinking, promises, threats, or any indirect means, to win or corrupt any of the electors, if he be a candidate, shall forfeit his right to the said election; if he be one of the electors, he shall forfeit his vote, and be fined for every such attempt ten livres tournois; if he be neither a candidate, nor an elector, he shall be fined ten livres tournois for every such attempt, and be reprimanded as the cause may require: the said fines to be applied to charitable and pious uses."

It would seem that the spirit of party, so rife during the commonwealth, was rekindled chiefly by the indiscretion of the triumphant royalists, for even thirteen years after the restoration, at an election arising from the death of the Jurat Blondel, both candidates having the same number of votes, the question was immediately carried to England, but referred back from thence to the court, which determined that the vicar of St. Martin's was not entitled to a vote, but that two excommunicated persons were, that body thus appearing resolved, in turn, to carry matters with an equally high hand. A second appeal was therefore entered, but another vacancy happened before the decision, and the king, with a view of reconciling the inhabitants to each other, recommended that both parties should be named, and his request was readily complied with.*

In this reign, the ancient privilege of the states to elect a sheriff was confirmed, it having been proved that they had enjoyed this right from immemorial custom.† Castle Cornet was placed under the controul of the ordnance, to which department it has ever since remained attached, being repaired or enlarged, and provided with stores and ammunition from that office.

In 1678, Guernsey was again threatened by the French, and some additional troops were sent over for its protection, with an order dated the 2d of February, 1678, and addressed to the bailiff and jurats, to provide quarters for the troops, and prevent any discord among them; and also to take care that they daily pay for their quarters,—a proof of the king's good feelings towards the inhabitants, for it is the first example on record concerning the payment of soldiers. Indeed it must be admitted, that the reign of Charles

* *Jeremie*.—John Jeremie, esq., who published in 1821-22 four numbers of an *Account of Guernsey*, which was too hastily written and never completed. He was first an advocate of the royal court, next chief justice of St. Lucia, subsequently attorney-general at Mauritius, and is now one of the Judges of Ceylon.

† Order in Council, 11th of June, 1679.

the Second was favourable to the Channel Islands. In fact, he increased the privileges of the island, while he confirmed the grants of his predecessors. His majesty conceded to the inhabitants of the Channel Islands, and their successors, free trade in all the ports of England, and in all other parts of his majesty's dominions, without payment of any custom, toll, or duty whatsoever. All merchants, enemies as well as friends, were allowed to come in time of war as well as in peace, within as far a distance as any man could see from the island, without any molestation or restraint on their persons, ships, or goods, which privilege confirmed that of Elizabeth, and her predecessors. The bailiff and jurats were empowered to judge all actions, real, personal, and mixed, arising within the island (except in three cases specially reserved) without being impleaded, or required to answer, in any other court whatsoever out of the island. It was ordered that no toll or custom should be paid for any goods of the growth or manufacture of the island imported into England. All the duties, called *petite coutume*, formerly granted by Elizabeth, were given up to the bailiff and jurats for upholding the pier, as well as the proceeds of the public weights, they paying for this latter privilege twenty shillings sterling per annum to the king's revenue, as nominal acknowledgment of tenancy.*

Falle, in the introduction of his History of Jersey, thus describes the value of these islands :—

" For these islands are to be considered as a frontier or advanced guard towards an enemy's country. And such places do always, in the very nature of them, suppose and infer a charge for fortresses and garrisons. Should the French, by the conquest of these islands (which God forbid), extend themselves into the channel, they would repine at no expence laid out upon them. And then England might possibly, in few years, see another Dunkirk rising out of the sea.

And to this passage he adds the following note :—

" Let this that follows serve for a proof of what the French might do here if they were masters. Towards the end of the reign of King Charles the Second, some able engineers, with the Lord Dartmouth, were sent to take a more perfect

* Charter, 21st May, 1667.

view of these islands; and on that side of Guernezey which lies to the north-west, and looks into the channel, they found and pitched upon a place excellently fitted by nature for the construction of a mole and bason, wherein a fleet of capital ships might lye.* A draught was made of the port, and an estimate brought in of the charge. But the work remained without execution by reason of the bad state of the exchequer at that time; and the king lived not to resume the same when his affairs were in a better condition. Such a place as this in the channel, to be a station for large men-of-war, the French would purchase at any rate, having, in all their coast from Dunkirk to Brest, none but havres de marée, i. e., tide-harbours, wanting a sufficient depth of water for such great ships.—(From the Memoirs of the Sr. De Samarez.)"

Charles the Second also made the following grants, which are sufficiently curious to be placed on record:—"For the use of Castle Cornet, 100 hogsheads of beer, or 4 quarters of malt for each hogshead, and a proportionable quantity of hops; 12 beefs, 600 fitches of bacon, 1,200 pounds of butter, 20 hundred weight of cheese, 300 of stockfish, 300 pounds of tallow, 20 dichers of leather, and of wood and coals, whatever quantity might be reasonably required. For the use of the island, he granted 500 hogsheads of beer, 150 dichers of leather, 25 dozen of calf-skins, of wood and coal, whatever quantity might be reasonably required; 500 tods of wool without payment of any duty for the same; and of all other goods (ammunition only excepted) so much as the duty shall amount to £150 sterling, free from all duty whatever; and those goods to be exported from London, Southampton, Weymouth, Poole, Lyme, or Plymouth.

In this reign the following articles of the Navigation Act were extended to the Channel Islands:—

"Article 3.—And it is further enacted by the authority aforesaid, that no goods or commodities whatsoever of the growth, produce, or manufacture of Africa, Asia, or America, or any part thereof, or which are described or laid down in the usual maps or charts of those places, be imported into England, Ireland, or Wales, the islands of Guernsey and Jersey, or the town of Berwick-upon-Tweed, or of the lands, islands, plantations, or territories in Asia, Africa, or America, to his majesty belonging, unless the proprietors and right owners thereof, and the master and at least three-fourths of the mariners are English, under the penalty of the forfeiture of all such goods and commodities, and of the ship or vessel in which they were imported, with all her guns, tackle, furniture, ammunition, and apparel, —~~the~~ moiety to his majesty, his heirs, and successors, and the other moiety to him, or them, who shall seize, inform, or sue for the same in court of record by bill, information, plaint, or other action, wherein no essoign, protection, or wager of law shall be allowed.

* Grand Havre, or Great Harbour, near the Vale Church.

"Article 4.—And it is further enacted by the authority aforesaid, that no goods or commodities that are of foreign growth, produce, or manufacture, and which are to be brought into England, Ireland, Wales, the islands of Guernsey and Jersey, or town of Berwick-upon-Tweed, in English built shipping, or other shipping belonging to some of the aforesaid places, and navigated by English mariners as aforesaid, shall be shipped or brought from any other place or places, country or countries, but only from those of the said growth, produce, or manufacture, or from those ports where the said goods and commodities can only, or are, or usually have been first shipped for transportation, and from no other places or countries, under the penalty or forfeiture of all such of the aforesaid goods as shall be imported from any place or country, contrary to the true intent and meaning hereof; as also of the ship in which they were imported, with all her guns, furniture, ammunition, tackle, and apparel; one moiety to his majesty, his heirs, and successors, and the other moiety to him, or them, who shall seize, inform, or sue for the same in any court of record, to be recovered as is before expressed.

"Article 6.—And be it further enacted by the authority aforesaid, that from henceforth it shall not be lawful for any person or persons whatsoever, to load, or cause to be laden, or carried in any bottom or bottoms, ship or ships, vessel or vessels whatsoever, whereof any stranger or strangers born (unless such as be denizens or naturalized) be owners, part-owners, or masters, and whereof three-fourths of the mariners at least shall not be English, any fish, victual, wares, goods, commodities, or things of what kind or nature soever, from any port or creek of England, Ireland, Wales, Guernsey, Jersey, or town of Berwick-upon-Tweed, to another port or creek of the same, or any of them, under penalty, against every one who shall so offend contrary to the true meaning of this branch of this present act, of forfeiting all such goods as shall be laden or carried in any such ship or vessel, and all her guns, ammunition, tackle, furniture, and apparel; one moiety to his majesty, his heirs, and successors, and the other moiety to him or them, who shall seize, inform, or sue for the same in any court of record, to be recovered in manner aforesaid.

"Article 14.—Provided that it shall and may be lawful to or for any of the people of England, Ireland, Wales, Guernsey, Jersey, or the town of Berwick-upon-Tweed, in vessels or ships to them belonging, and whereof the master and three-fourths of the mariners at least are English, to load and bring in from any of the ports of Spain, Portugal, or Western Islands, commonly called Azores, Madeira, or Canary Islands, all sorts of goods or commodities of the growth, produce, or manufacture of the plantations or dominions of either of them respectively.

"Article 15.—Provided always that this act or anything therein contained extend not to bullion, nor yet to any goods taken, or which shall be *bond fide* taken by way of reprisal by any ship or ships belonging to England, Ireland, or Wales, Guernsey, Jersey, or the town of Berwick-upon-Tweed, and whereof the master and three-fourths of the mariners at least are English, having commission from his majesty, his heirs, or successors."

Of Charles the Second's government of Guernsey we have spoken in just praise, although he undoubtedly was one of the worst sovereigns who has filled the British throne, and even in exile he showed himself unworthy of a crown. In 1654, he offered £500 a year, and knighthood, to any one who would destroy Cromwell by "pistol, sword, or poison, or otherwise," as appears by a proclamation given by Thurloe, and he was only prevented from continuing in this course by the declaration of his intended victim, that if any

attempt to assassinate him should fail, he would make an assassinating war of it, and destroy the whole of the royal family, as he had instruments to execute his purpose, whenever he desired it. And the dread of this retaliation, with so unprincipled an opponent, was a better security to the protector than his guards. On the restoration, the body of the heroic Blake, whose name has occurred in these pages, was removed from the abbey, and, by Charles's command, thrown with many others into a pit in St. Margaret's churchyard, as if the services of such a man to his country had not entitled his remains to rest quietly in the grave! We have said that Falle seemed proud of the loyalty of the Jerseymen to the first Charles, and we must now more explicitly state our conviction, which we have already implied, that under his despotic rule the Guernseymen of that day had no reason to be ashamed of the part which they took during the civil war—that struggle between kingly despotism and limited monarchy. In our opinion, their adherence to the parliament is the best proof of the higher degree of knowledge and civilization which this island had then attained, and, as a necessary consequence, the inhabitants objected to be “vassalized either in their consciences or estates”—words used by them in their declaration to Cromwell. Guernsey, from its greater proximity to, and more frequent intercourse with, England, was more English* in its views and principles, and the inhabitants naturally participated more in that opposition to arbitrary government, which ultimately brought the king to the scaffold.

* “The people [of Guernsey and Jersey] in their original language alike also; but in their customs and manners, the inhabitants of Guernsey come nearer the fashions of the English.”—Dicey.

The late Mr. Chenevix, who resided in Guernsey for about a year in 1814-15, in his *Essay upon National Character*, expressed himself as follows:—“Among the islands depending upon England, the character of none are more worthy of notice than those of Jersey and Guernsey. The former is more warm and fertile, and slants towards the south; the latter is poorer, and its grand declivity fronts the north. Jersey is more vain—Guernsey more proud. Both retain traces of their former French connection, particularly among the lower orders, but Jersey by much the most—both have acquired many characteristics of their modern British dependence, but Guernsey more than Jersey. Jersey is the France—Guernsey the England of these islands; and few countries unite so much affluence and prosperity to so large a stock of morals and simplicity as the latter.”

Steam navigation has, however, of late years placed the two islands more on a par as regards their relative positions with England, and Jersey has therefore become, and is daily becoming, more English. The natives of that island are also proud of the asylum which their ancestors twice afforded to the profligate monarch, whose reign we are concluding, and justly, as they could not foresee that they were sheltering one so unworthy of their protection, although their support of his father is another proof that they were more "vassalized," and that they possessed little love for constitutional liberty. And by the result, judging of the misrule of the second Charles and his brother James, it would appear that the Guernseymen had better appreciated the character of the Stuarts, who were, for a long series of years, as remarkable for their misfortunes as for their total disregard of the lessons of adversity.

On the death of Charles the Second, his brother James was proclaimed king in Guernsey on the 16th February, 1685. The following is the proclamation ordered by the royal court:—

"Whereas it has pleased Almighty God to call to his mercy, our late sovereign lord, King Charles the Second, of blessed memory, by whose decease the imperial crowns of England, Scotland, France, and Ireland are solely and rightfully come to the high and mighty Prince James, duke of York and Albany, his said late majesty's only brother and heir; we, therefore, the deputy-governor, the lieutenant-bailiff and jurats, the clergy, officers, gentlemen, and other inhabitants of the said island of Guernsey, do now hereby, with one full voice and consent of tongue and heart, publish and proclaim, that the high and mighty prince, James the Second, is now, by the death of our late sovereign, of happy memory, become our only lawful, lineal, and rightfully liege lord, James the Second, by the grace of God, king of England, Scotland, France, and Ireland, defender of the faith, &c.; to whom we do acknowledge all faith and constant obedience, with all hearty and humble affection, beseeching God, by whom kings do reign, to bless the royal king, James the Second, with long and happy years to reign over us."

In reference to Guernsey, the reign of James the Second affords little political interest. That bigoted sovereign having ascended a tottering throne, was fully occupied in devising schemes to maintain his sceptre in opposition to the will of the people. He attempted, however, to subject Guernsey to his fana-

tical opinions. Roman Catholic soldiers were quartered in the island, and a governor of the same persuasion was appointed; mass was performed, and the design of superseding the reformed religion was evident. This scheme was most odious to the people, and they gladly seized the first opportunity of defeating it. James promulgated a long catalogue of rules and articles for the better government of his land forces *in pay* within the island of Guernsey and its dependencies. It contains sixty-four clauses, and was registered at the greffe on the 17th of September, 1686. With the exception of a few clauses, all the regulations relate more strictly to military discipline, and as they have neither a local, nor a general interest, they do not merit record. The clauses which affected the inhabitants of Guernsey, are the following:—

"Article 19.—No persons shall extort free quarters, or shall commit any waste or spoil, or deface walks of trees, parks, warrens, fish ponds, houses, or gardens, tread down standing corn, or corn in the ear, or put their horses into meadows without leave from their superior officer, upon pain of severe punishment; but, if any officer or soldier shall extract money or wilfully burn any houses, barns, stacks of corn, hay, or straw, or any ship, boat, or carriage, or any thing which may serve for the provision of the army, without order from the commander-in-chief, he shall suffer death for it.

"Article 31.—Whoever shall do violence to any person who shall bring any victuals to the camp or garrison, or shall take his horse or goods, shall suffer death, or such other punishment as a general court-martial shall inflict.—If any one presume to beat or abuse his host, or the wife, child, or servant of his host, where he is quartered, he shall be put in irons for it; and if he do it a second time, he shall be further punished, and the party wronged shall in both cases have amends for it. And whosoever shall force a woman to abuse her, whether she belongs to the enemy or not, and the fact be sufficiently proved, he shall suffer punishment for it."

None of these military regulations were allowed to interfere with the civil jurisdiction of the royal court, though a Captain Macarty disputed its authority, pretending that all cases in which a soldier was concerned fell within the province of a court martial. The following letter, however, addressed to that officer, dated Whitehall, 27th of January, 1687, drew the following distinction, which left the royal court in full possession of its prerogative:—

"Sir,—I have received your letter, dated this month of January, with the

enclosed papers, namely, an order forbidding any person to trust soldiers, and the proceedings of a court martial upon the trial of George Holmes, with a representation from the Court of Guernsey. As to the first—against the trusting of soldiers,—his majesty is well pleased with it, it being the best means to hinder them from running into debt. But his majesty, observing that the court martial was held for the trial of a soldier upon suspicion of having stolen two silver cups from Alexander Hall, an inhabitant of the island, his majesty thinks those proceedings irregular, and not agreeable to the orders for holding courts martial and the articles of war lately sent you, which concern *only soldiers in pay*, either for disobedience, or injuries, or felonies committed by soldiers upon the inhabitants or any person not being in pay; so that his majesty's pleasure is, that when any inhabitant, or other person, not being a soldier, shall be wronged by a soldier, the trial and punishment of such soldier shall be left to the CIVIL JUSTICE, and that he be proceeded against according to the laws of the place, and not by a court martial, which is only to take cognizance of differences between soldier and soldier, or matters wherein none others but soldiers are concerned.

(Signed)

"WILLIAM BLACKWATT."

King James the Second seems to have been extremely anxious to define and secure the judicial prerogative of the royal court, for on the 18th June, 1687, he ordered another letter on the same subject to be written to Charles Macarty, esq., described as captain of a company in the Earl of Litchfield's regiment, and commander-in-chief at Guernsey. It bears the same signature as the preceding one, and cautions Macarty, "that the articles of war do not in any manner empower a court martial or military officer to punish any offenders, except such as are in his majesty's pay as soldiers, nor take cognizance of any inhabitant of Guernsey for injuring a soldier, further than to cause him to be proceeded against by the law of the place, the articles of war in Guernsey authorizing only the trial and punishment of offences or quarrels that happen between soldier and soldier, and not between a soldier and an inhabitant, which offences are to be judged by the civil magistrate only."

In this reign, the manufacture of stockings increased, and the king, on petition, granted that four thousand tods of wool should be sent annually to Jersey, two thousand to Guernsey, four hundred to Alderney, and two hundred to Sark, all to be shipped from the port of Southampton. He appointed one William Steevens to reside in Guernsey to sign and seal certificates of the landing of commodities, and

perform the same duties as had been introduced into Jersey by an order in council dated the 17th of December, 1679.

The islanders were at this time, as they are now, eminently protestant; but as no encroachment was openly made on their privileges by James, they smothered their discontent at the introduction of popery by that infatuated monarch. Immediately, however, on receiving the news of the landing of the Prince of Orange, at Torbay, the civil authorities, without waiting to learn how he might be received, concerted measures with the senior protestant officer of the garrison, to secure the island to his cause; to disarm the catholics, who formed a considerable part of the regiment; and to confine the lieutenant-governor, whose political principles were doubtful. They fixed on a day when the officer, with whom they had concerted the plot, was to command in rotation; and on that day the chief captain of the town militia, accompanied by most of his corps, seized upon and disarmed the popish officers and soldiers in the town, notice thereof being immediately given to the commander at the castle, by a signal previously arranged. He then drew out the garrison, which being assembled on the parade, the protestants, with their muskets loaded with ball, marched out of the ranks, and facing about, presented their pieces to their comrades, compelling them to lay down their arms. This incident is noticed by Campbell and others, who are of opinion, that from it arose the king's unwillingness to rely any farther upon his navy, in whom he had previously placed much confidence, the seamen having gained the principal credit on this occasion, although, as we have shown it was, entirely due to the protestant spirit of part of the military and the inhabitants.

Soon after the accession of William and Mary, an invasion of these islands was strongly apprehended. The Court of Versailles, supporting the pretensions of

the exiled Stuarts, prepared to assist them with a fleet and army. Under the pretext of this friendly alliance, the opportunity was favourable to seize the islands ostensibly for James, and restore or retain them as policy might dictate. They were put in the best state of defence that circumstances would admit, the Earl of Peterborough being despatched with troops for their protection. Admiral Carter, with seventeen ships of war, was also ordered to proceed to Guernsey and Jersey, and after taking pilots there, to stretch over to the French coast near St. Malo, where he was to remain forty-eight hours, and then to return to Spithead, should the security of the Channel Islands not require his presence any longer. The fear of invasion was not removed till 1692. In that memorable year, John Tupper, esq., of Guernsey, at some personal expense and risk of capture, passed either through, or in sight of, the French fleet, and promptly conveyed to Admiral Russell, who commanded the combined English and Dutch fleets, lying at St. Helen's, intelligence that the French admiral Tourville was in the channel. As a reward for this patriotic service, Mr. Tupper was presented by William and Mary with a massive gold chain and medal, which are now in possession of his heir male; and his descendants are permitted to bear them as an honourable augmentation to their arms and crest. The famous naval battle of *La Hogue* was the result of Mr. Tupper's information,—a battle which annihilated the French marine, and relieved Guernsey from all immediate alarm of hostile aggression.

The military preparations taken to resist invasion were accompanied by some serious grievances to the inhabitants, who complained to his majesty, on the 8th of August, 1689, "that they were compelled to raise a general tax to provide quarters for such officers and soldiers as cannot be lodged in public houses, and among them, for divers inhabitants who have

enlisted as soldiers, and have habitations of their own; also that they were much oppressed by the soldiers not paying their landlords for the arrears due for their diet, the constables not being called upon, as has been the custom, to see the accounts adjusted and cleared between the landlords and soldiers at the removal of quarters."

This complaint was referred to Lord Viscount Hatton, governor of the island, who returned an answer to the Lords of the Council, from which it appeared, that the differences between the officers and the inhabitants were occasioned by the demand of the officers to be furnished with money for the subsistence of their soldiers at the rate of thirteen sols French for every English shilling, while the soldiers only received the subsistence from the officers at the rate of twelve sols per shilling.

For the future regulation of this branch of the service, the privy council made the following orders:—

"That, if at any time hereafter the officers shall be forced to have recourse to the magistrates of the island for their assistance in furnishing ready money for the subsistence of the soldiers, that then the officers shall give bills of exchange upon the paymaster of their regiment to the persons supplying the said money, for so much as by the care and directions of the magistrates shall be provided at the rate of one shilling of English money for every twelve sols they shall receive there, which bills the said paymaster shall be obliged forthwith to satisfy without excuse or delay.

"That in all cases between a soldier and inhabitant upon breach of the peace, the trial be left to the civil magistrate, and the soldier delivered up to the civil officers, and the offender punished according to the law of the place.

"That in all cases happening between soldiers and soldiers, relating to military discipline, trials to be held at courts martial, as formerly.

"That upon the arrival of any forces upon the island, or any other occasion of taking up quarters, the states or civil magistrates be applied to, who are to regulate and appoint quarters for every soldier, and that no military officer do presume to appoint or dispose of the same.

"That it be left to the governor, or lieutenant-governor, to settle the quarters, from time to time, of the commissioned officers, in such manner as shall be most for their convenience, and the ease of the inhabitants of the said island.

"That the governor, or in his absence the lieutenant-governor, be charged with the execution hereof, and with the settlement of all matters of difference between the inhabitants and the officers, and the soldiers upon the aforesaid complaints, and return an account to his majesty, by the first opportunity, of his proceedings herein.

"Lastly,—That this order be registered in the royal court of the island, and published, to the end that all persons whom it may concern, may take notice thereof, and govern themselves accordingly."

In 1700, the states presented another petition to

that contracts be passed before the judges, wherein the bailiff is particularly mentioned as keeping the seal; and in book 3, chapter 8, it is stated that the bailiff and jurats are entitled to a fee for signing the minutes, viz., two deniers sterling. It was further contended that the passing of contracts before the bailiff was also deducible from the continued and perpetual form and style of the documents of the bailiwick under seal, wherein it is declared, that before such a bailiff; present, such jurats, such persons appeared on such a day, &c.; and that the passing contract for sales of lands and rents, being an act of record, cannot be good but by the bailiff or his lieutenant, and the jurats as a court, since there can be no court unless the bailiff or his lieutenant, and two jurats be present; and inheritances depending upon such contracts, the passing of them ought to take place with due solemnities.

By an order in council, of the 22d of March, 1660, it being (*inter alia*) directed that all contracts for sale of land shall be passed before the bailiff or his lieutenant, as had been the practice before the wars, it is evident that the lords were then satisfied that it ought to be so regulated; but there was no penalty attached to its non-observance, though there was in the order of 1673, which forbade a jurat to administer an oath. Sir Edmund Andros complained, that on the 6th of October, 1701, the jurats had passed a law giving validity to contracts signed by two jurats only, and directing them to be registered and put under seal, when tendered; they further decided that such deeds, if first registered on the book of contracts, should be preferable to the most solemn judgments and records of the royal court. Sir Edmund, on this, contended that the jurats might as well make an order to change any other fundamental part of the constitution or jurisdiction, and declare the office of bailiff useless or merely subservient to their pleasure.

On the 29th of June, 1703, this matter was brought before the privy council, who decided, "that for the future all contracts for sale of land, or perpetual mortgages of land, be passed before the bailiff, or his lieutenant, according to the order of council of the 20th of March, 1660, and that all other contracts be registered upon their being passed before the two jurats without the intervention of the bailiff or his lieutenant, excepting where an oath shall be necessary, in which case, according to an order in council of the 21st of November, 1673, no jurat or jurats do presume to administer an oath, except they be authorized to do it; and it was further ordered by her majesty in council, that this order be registered in the royal court of Guernsey, and punctually complied with and observed for the future."

Sir Edmund Andros was a gentleman of high influence, and enjoyed the marked favours of the government, to an extent, indeed, which would not be tolerated in modern times. For this influence he was doubtless, in some measure, indebted to the loyalty of his father, Amias, who was marshal of the ceremonies to Charles the First, in 1632, and shared as well in the troubles of this unfortunate monarch as in the exile of his son and successor. Moreover, two of Amias's brothers, officers in the army, were slain, one in the service of the King of Bohemia, son-in-law of James the First of England; and the other during the civil wars. Amias Andros was appointed bailiff of Guernsey at the period of the coronation of Charles the Second, in Scotland, in 1651, but he entered into office only in 1661, after the restoration. Sir Edmund succeeded his father as bailiff in 1674, being appointed for life, with power to nominate a lieutenant-bailiff, and he conferred that office on his uncle, Charles Andros, esq., seigneur of the fief d'Anneville. During his eventful career, Sir Edmund was first governor of New York; next governor of New Eng-

land, New York, and New Jersey; and lastly governor of Virginia.* He was a colonel of dragoons, and was knighted in 1681. Queen Anne constituted Sir Edmund lieutenant-governor of the island; and that he might the better attend to the duties of this latter situation, she dispensed with his executing the office of bailiff during the time that he acted as lieutenant-governor. She further accepted Eleazar Le Marchant as lieutenant-bailiff, and then empowered him to execute the office of bailiff, so long as Sir Edmund Andros remained lieutenant-governor. She did more; she allowed Le Marchant to appoint a deputy during absence or sickness, and in the event of his death, Andros was authorized to choose another lieutenant-bailiff, and that during the term of his own natural life.

Against this monopoly of power, James De Beauvoir and eight of the jurats protested, but without any effect, their lordships deciding, on the 31st of May, 1705, "that the order in council of 1674 was made in determination of a claim exhibited by the then governor of the island, upon the death of the former bailiff, whereupon it had been decided that the right of appointing a bailiff remained in the crown, and was not a perquisite of the governor." On which they recommended her majesty to dismiss the petition of De Beauvoir and the jurats, and confirm the authority of Eleazar Le Marchant; and the petition accordingly was dismissed from the board.

Other disputes arose between the bailiff and jurats on the extent of their respective jurisdictions, and with a view to adjust them, the privy council decided, on the 15th of July, 1706, "That when the bailiff or lieutenant-bailiff was recused, he should have no right

* Sir Edmund Andros, in his government of New York and New England before the revolution, incurred the dislike of the colonists, and is represented as "a man who disgraced superior talents by the unprincipled zeal and activity with which he rendered them subservient to the arbitrary designs of a tyrant!"—"His friend and colleague, Randolph, boasted that, in New England, Andros was as arbitrary as the Grand Turk." But, "after the British revolution, Andros conducted himself irreproachably as governor of Virginia." He died in London in 1713, at a very advanced age. The Guernsey family of Andros was remarkable for its attachment to the Stuarts.—See Grahame's *History of the United States of North America*, volumes 1st and 2d, from which the above extracts are taken.

to remain present in court during the cause wherein he is recused, nor administer an oath in the said cause; that without the consent of the parties, the majority of the jurats do not refer the cause to arbitrators, nor delegate to such arbitrators the power of administering an oath, notwithstanding the parties shall consent thereto; that, according to her majesty's former order of 1703, all sales of land, reserving a rent, ought to be passed before the bailiff and jurats."

Another order in council, dated the 19th of May, 1709, laid down further rules as to the recusation of magistrates. It arose out of a petition presented by Lawrence Martin and John De Saumarez, who had entered an action against Michael Falla and Daniel Naftel, touching the disposal of two prizes taken by the *Marlborough* privateer, belonging to the island. On the trial it happened that so many of the magistrates were recused, as to leave only the lieutenant-bailiff and one jurat, so that there was not a sufficient number of magistrates left to decide the cause, according to the laws and customs of the island. These facts being submitted to the privy council, their lordships decided, "That not only in this, but in every other cause, when the parties recuse the magistracy, *there shall be at least three left to judge the same*; and, therefore, if the recusations shall be likely to lessen the number of three, then the objection to cousins german, *in such case only*, shall not be a sufficient recusation, so that justice may go on, and the cause come to a hearing, to entitle the parties to appeal to her majesty in council, if they think fit. But when a full *quorum* can be had unrecused, then the forms and proceedings shall stand as before."

In this reign the high admiral of England, to facilitate the manning the navy, directed the governors, lieutenant-governors, and commanders-in-chief in Guernsey and Jersey, to seize all sailors, *not actually inhabitants of the islands*, and put them on board ves-

sels from time to time appointed for their reception. The royal court enforced this command, expressly prohibiting all masters of vessels from secreting such sailors, and all persons from harbouring them, under the penalty of being considered disaffected to her majesty and the government, and, as such, liable to be punished at the discretion of the court. The people, however, appear to have paid little or no attention to these orders, for the attorney-general lodged a complaint before the bailiff and jurats, setting forth that no sailors had presented themselves on the pier, as they were commanded to do by a proclamation from the lieutenant-governor; whereupon the royal court directed the sheriff, his deputy, and the constables of all the parishes to seize all sailors, not actually inhabitants of the islands, and empowered them to break open the doors of all houses in which they suspected they might be secreted.*

Resistance to this mode of impressment seems to have been general and determined, for Mr. Peter Dobrée, agent in Guernsey to the high admiral, presented an order in council to the royal court for registration, dated the 15th of July, 1707, which commanded "That the agents appointed in her majesty's islands of Guernsey and Jersey, by his royal highness the lord high admiral, or by his authority, do proceed without any molestation or obstruction whatsoever in the execution of their respective offices, according to the instructions they have received, or shall hereafter receive from, or on behalf of, his royal highness the lord high admiral, or the commissioners of the admiralty for the time being, or the high court of admiralty." The bailiff, jurats, and queen's officers were commanded to carry this order into execution, and to register and publish it, that it might be a standing rule to be punctually complied with and observed for the future.

* Act of Court, 7th of March, 1705.

During the reign of Anne, Guernsey enjoyed tranquillity. Marlborough drove France to the extremity of fighting for her existence as a nation, and the Channel Islands had nothing to apprehend from their ancient enemies. But, in the struggle between England and France, they forwarded the following humble address to the queen, on the 19th of June, 1708 :—

"Most gracious sovereign, as the signal advantages which we, with the rest of your loyal subjects, have enjoyed ever since your happy accession to the throne of your ancestors has rendered your sacred person most dear and precious to us, so it is with the greatest indignation that we resent the late horrid enterprise of the *PRETENDER* to your crown, set up by the power and ambition of France; and with the greatest zeal and affection, we humbly beg leave to offer our sincere congratulations to your majesty, on the shameful, but just, disappointment of the usurper and disturber of mankind.

"Providence seems to have permitted your enemies should be so rash and unjust, that your right of, and wisdom in, governing your realm should shine the brighter, and convince the world that it is easier to proclaim an imaginary king at Paris, than to introduce him into Great Britain,—easier to give a French sword, than to usurp a British sceptre.

"We, your small, but faithful island, part of your ancient duchy of Normandy, shall ever be ready to prostrate at your majesty's feet our lives and fortunes for the defence of your majesty's and your Protestant successors' undoubted title to the imperial crown of Great Britain, so well and happily united under your auspicious reign, and of the Protestant religion as by law established, which, by the peculiar blessing of God, we unanimously profess; and that this religion may be secure under your royal care, as yourself under divine protection, are the hearty prayers of your majesty's most humble, obedient, and dutiful subjects."

At the peace of Utrecht, which terminated the war of the *SUCCESSION*, the states of Guernsey, on the 29th of July, 1713, offered their congratulations to the crown, in the following address :—

"All the world must be convinced, that your majesty only engaged in a long and sanguinary war, to secure the repose of your people and the liberties of Europe which were in imminent danger; for, notwithstanding the prodigious train of fortunate successes with which God has blessed the arms of your majesty by sea and land, during the course of your glorious reign, as soon as your enemies were forced to implore your clemency in order to obtain peace, you put a limit to your triumphs when your victorious troops were about to penetrate into the heart of their dominions. You have thus manifested the most striking proofs of your moderation, and given an illustrious example to all potentates to content themselves with the rank and state it has pleased Providence to confer on them, without meditating the invasion of their neighbours. For ourselves, who enjoy the felicity of immediately depending on your majesty, we submit entirely to your royal wisdom and protection; and we confine ourselves to the expression of the most ardent prayers and wishes for the prosperity of your sacred person. May you soon behold all your subjects united; and may those who have abandoned the Anglican church, return into the bosom of their good and tender mother, so that throughout your dominions there may be neither papist, nor non-conformist, as there are none among us. May you, *great queen*, reign long, very long, in happiness and prosperity; and, when full of years, may you transmit, as you desire to do, to the illustrious

house of Hanover, which is in perfect harmony with your majesty, the diadems you wear, to take possession of the crown of glory reserved for you by your Saviour."

On the death of Queen Anne, the act of settlement vested the British crown in the Hanoverian dynasty, and it is pleasing to record the zeal and loyalty with which the people of Guernsey hailed the accession of George the First. Intelligence of the demise of the queen, on the 1st of August, 1714, was only received in Guernsey by a vessel from St. Malo, on Sunday evening, the 8th of the same month, so irregular and uncertain was the communication with England in those days. On the following morning, an English vessel arrived from Salcombe, and another from Topsham, confirming the news. The lieutenant-governor and the royal court immediately assembled, and, having called before them Mr. Pope, master of one of the vessels, he deposed on oath that the queen was dead, and that he was present at Dartmouth, when King George was there proclaimed as he had been in London; and he further declared, that the same ceremony had been performed in other parts of England. On this information, and without awaiting any official communication, the lieutenant-governor and royal court agreed to cause his majesty, King George the First, to be proclaimed with the usual solemnities. On this occasion, Peter Martin, esq., judge delegate, or president of the royal court, made the following speech:—

"Gentlemen,—You all know the cause that brings us together in this place; it is the sad and melancholy news of the decease of our august princess, Queen Anne, of glorious and triumphant memory, which undoubtedly would have cast us into the deepest affliction, had not divine Providence been pleased to interpose in our favour. Indeed, had we known a month since, that the queen would be this day in her grave, with what dismal apprehensions and alarms would our hearts have been seized? The prospect before us was cloudy and lowering; and the malice, pride, and arrogance of the enemies of our religion and state (the Roman Catholics) were grown to that height, that they seemed so far to have compassed their designs, that their projects could not miscarry, and that the putting them in execution depended entirely on their will and pleasure. But, gentlemen, the black and heavy clouds are most happily dispelled; God himself has blown away the impending storm, so that we have not so much as heard any thunder roar about us. He has, in his infinite mercy, permitted that the most high, most potent, and most excellent Prince George, of Brunswick Lunenburg, her majesty's lawful suc-

cessor, should be peaceably proclaimed king of these realms, in his capital city, with extraordinary acclamations of joy, and in all other places, where the news of the late queen's death was brought. Such happy beginnings, gentlemen, give us ground to hope that they will be attended with prosperous consequences, and that God will protect our august monarch, as he did the good and holy King David; that he will take him by the right hand, and guide him by his counsel; and that, after having lent him many, many years to be the support and defender of his subjects,—the pillar and buttress of the Church of England, as by law established,—the protector of all Protestant churches that are yet standing, and the glorious deliverer of those that lie in chains, he will, under the cross, receive him into his glory. This is undoubtedly what you wish with me, so that nothing more remains for us to do, than to discharge our duty as good and faithful subjects to his majesty, King George, by proclaiming forthwith his majesty in this, and all other places where our princes are usually proclaimed on like occasions."*

On the 13th of October, 1715, the states of Guernsey assembled, and voted the following address to his majesty, strongly attesting their attachment to the Hanoverian dynasty and their zealous support of the Church of England:—

"Sire,—We, the lieutenant-governor, judge delegate, and jurats, clergy, attorney-general, and constables, composing the states; as well as the principal inhabitants of your island of Guernsey, part of your ancient duchy of Normandy, the very humble and faithful subjects of your majesty, as well by duty as by affection, take the liberty to present ourselves with all humility at the foot of your august throne, to testify to you with what aversion, horror, and resentment, we regard the enemies of your sacred person, who, animated by a seditious and rebellious spirit, have for some time dared, and still do dare, to appear in open rebellion against the dominions of your majesty, in favour of the PRETENDER, in order to introduce all sorts of misfortunes and desolations into church and state, and to trouble your good and faithful subjects in the enjoyment of those great advantages which your happy accession to the crown of Great Britain has procured for them. But, on the other hand, we take the liberty of assuring your majesty, that it will prove to us an inexpressible subject of joy, when it shall please Divine Providence to dispel the evil plots of infamous conspirators against their legitimate sovereign and the true defender of the faith, of their religion, and the liberties of their country, in order to introduce arbitrary power, popery, and slavery; and that we are, and always shall be, ready to hazard all that we hold most dear for the support of the dignity of your throne, hoping that all your other subjects may be as indissolubly united as are those of this island for the service of your majesty. What now remains for us to do, is to beseech God that he may bestow on your sacred person the most precious benedictions of earth and heaven, and strengthen your throne, in spite of the efforts of your enemies, during a long course of years; and that the throne of Great Britain may be successively filled by the illustrious descendants of your royal family, to the most remote posterity; and that the hearts of your good and faithful subjects may be always so cordially united by the links of concord and duty, fidelity and obedience, that neither foreign nor domestic enemies may longer dare to trouble the repose, happiness, and tranquillity of your majesty in the prosperous administration of your government."

The reign of George the First presents no political events of sufficient importance to require their being placed on record, though it may be stated that his

* Annals of George the First, vol. i. p. 61.

majesty, in 1717, confirmed the ancient rights of the inhabitants to export the produce and manufacture of the island, and freely to import them into England.

The reign of his successor, George the Second, demands a rather longer notice. On the 29th of November, 1729, an order in council was forwarded to Guernsey, on the subject of the weights, which stated that the constables and douzeniers of St. Peter's, having petitioned council on the 13th of May, 1727, against two acts of the royal court, dated the 17th of February, 1717, and the 20th of January, 1720, by which the standard weights had been altered; and the said petitioners representing that the royal court had no power to make any alteration therein, the weights being a branch of the royal prerogative, his majesty in council declared the said acts of the royal court null and void, and fixed the standard of weights to consist of eighteen ounces to the pound.

In 1731, an order in council was sent to Guernsey and Jersey, which commanded that an act of parliament, passed in the second year of his majesty's reign, entitled, "An act for the more effectual collection in Great Britain and Ireland, and other parts of his majesty's dominions, of the duties granted for the support of the Royal Hospital of Greenwich," should be registered in the royal courts of the islands, and be duly carried into execution. This order contains a clause of great constitutional importance, as it enacted that, "for the *future*, whenever any act shall be passed in the parliament of Great Britain relating to the said islands of Guernsey and Jersey, printed copies of such acts shall be transmitted by the board of his majesty's privy council, as soon as conveniently may be, to the royal courts of the said islands, signifying to them, at the same time, his majesty's pleasure to register and publish the said acts, and cause the same to be carried into execution."

On the 29th of April, 1735, another order in

council decided that estates in England were not taxable in Guernsey, and it originated in the following circumstances. Peter Stephens, esq., had lodged a complaint before king and council against Nicholas Dobrée, jun., and John Le Marchant, collectors of the poor in the town parish, for having demanded and received of the petitioners, not only in respect to all his estates in Guernsey, but also in respect to all his real and personal estates in London, one hundred and twenty-one livres tournois and twelve sols, for his share of a year's tax raised on the inhabitants of that parish for the subsistence of their poor. On the refusal of the said Peter Stephens to pay the tax claimed, he was proceeded against in law, and condemned to pay the same by the royal court, from which sentence he appealed to council. Their lordships having heard all parties, decided that the appellant ought not to be taxed to the poor, in respect to any house, land, or other real or immoveable estate lying in England, and accordingly ordered the judgment to be reversed.

In this reign, the islands of Herm, Jethou, Lihou, and the pond of the *Grande Mare*, on the recommendation of Major-General Sutton, governor of Guernsey, were leased out to individuals on fee-farm rents, the fee simple still remaining in the crown. The motives which led to this appropriation may be collected from the following terms of the order in council:—

“The lords of the committee are humbly of opinion, that, in order to encourage persons to take and cultivate the said land, &c., and thereby to augment your majesty's revenues there, it may be advisable for your majesty, by your order in council, to empower the governors of Guernsey, for the time being, to grant leases of the said small islands, and of the other uncultivated lands; as also of all sloughs and ponds belonging to the crown within the precincts of their government, to such persons as are willing to take the same, and to their heirs, executors, and assigns, for and during the term of sixty-one years, renewable every twenty-one years at a fine certain of three years reserved rent; and that the rent to be reserved on the island of Herm, and the pond called the *Grande Mare*, be not less than twenty pounds per annum, and the rent of the other islands be not less than what they are now let at. And that, in the leases so to be granted, of all the said small islands, the governor do insert a saving clause, of the right of the inhabitants of Guernsey and also of Sark, to go upon the coasts of the small islands to fish and also to cut *vraic* (a sea-weed useful in manuring their lands), and to fetch from thence stones for building and other uses, in the same manner they have hitherto done. And the lords of the committee do further humbly report to your majesty,

that, as to the oyster bank mentioned in the governor's memorial, it does not appear to them that the same was a part of your majesty's demesne, and therefore their lordships are of opinion that it is not advisable for your majesty to empower the governor to grant any lease thereof."

Up to the year 1738, the attorney and solicitor-general had no power to appoint deputies to fill their respective offices, when sick or absent from the island. Henry Mauger, and John De Saumarez, at that time the two crown lawyers, presented a petition to council, and prayed that they might be placed on the same footing as their colleagues in Jersey, and as every other public functionary was in Guernsey. This petition was forwarded to the royal court, who reported that they knew of no law militating against its reception, and recommended it to be granted on the sole condition that the attorney and solicitor-general, when they required it, should present such persons for their deputies as were duly qualified, and agree that such deputies should only act during the absence of the crown officers from the island, or during their sickness. The prayer of the petitioners was confirmed by an order in council, dated the 16th of December, 1738, and it remains in force to this day.

On the 3d of October, 1744, a large fleet, under the command of Sir John Balchen, returning from Gibraltar to England, was dispersed by a violent storm, and several ships suffered considerably. Sir J. Balchen's flag-ship, the *Victory*, of 110 guns, was separated from the rest of the fleet on the 4th, after which she was never seen or heard of more. It is generally supposed that she struck upon the Caskets, as repeated signals of distress were heard by the inhabitants of Alderney; but it blew so violently that it was impossible to give her any assistance. Thus perished the finest first-rate man-of-war in the world, one of the best admirals in the British service, eleven hundred sailors, and a considerable number of volunteers, many of whom were of families of distinction.*

* Campbell's Lives of the Admirals.

Dicey gives the following returns, &c., of the militia, during this reign; and he also appends the names of the officers, non-commissioned officers, and privates of a troop of horse or yeomanry, numbering together sixty, under the command of Major Peter Carey:—

STATE OF THE THREE REGIMENTS OF MILITIA AT GUERNSEY, ACCORDING TO A GENERAL REVIEW MADE THE 25th OF JUNE, 1750.

Colonels.	Captains.	Lieutenants.	Ensigns.	Sergeants.	Drummers.	Soldiers.	King's muskets.	Bayonets and belts.	Cartouch-boxes.	Balls.	Flints.
Elisha Le Marchant, esq. . .	7	4	4	20	2	600	350	350	350	2100	3500
William Le Marchant, esq. .	6	6	6	17	6	550	325	325	325	1950	3250
Charles Andros, esq.	7	5	6	21	7	650	325	325	325	1950	2250
Total	20	15	16	58	15	1800	1000	1000	1000	6000	9,000

Thomas Le Marchant, Major,—John Andros, Major,—John Brock, Captain and Acting Major.

ESTABLISHMENT OF GUERNSEY.

	Per Diem.
Lieutenant-Governor	£0 10 0
Chaplain	0 6 8
First master gunner	0 2 0
Four other gunners, at 1s. each	0 4 0
Allowance for fire and candle, at the rate of £40 per annum	40 0 0

In 1755 commenced the war with France, known in English history as the seven years' war. Early in the following year the French made great preparations for the invasion of Guernsey and Jersey, collecting troops at Granville and St. Malo for that purpose, and reinforcements were sent from England to these islands. In June, 1756, the command of a squadron of ships, to be employed in their protection, was conferred on Captain, afterwards Lord, Howe, who received instructions to take possession of Chausey and its islands, on which an Irish brigade in the service of France was stationed, to harass the enemy by every possible means, and to destroy the coasting trade between the northern and western provinces.

The squadron consisted of six frigates and two sloops, together with four transports for the conveyance of troops, and such was the expedition with which the armament was prepared, that on the 13th of July, Howe proceeded from Jersey for Chausey with four companies of General Blockland's regiment, and one company of invalids from Guernsey. The French commandant, when summoned to surrender, at once gave up the place, on being permitted to retire with military honours to Granville; and Howe, finding that it would require time and expense to put the works in a proper state of defence, as also at least 500 troops for their garrison, determined to destroy them, which was effectually and speedily done. And having ascertained that the French, in consequence of the blow thus opportunely struck, had abandoned their designs on the Channel Islands, and withdrawn their troops towards Brest and other distant ports, he left a part of his squadron to annoy the coasting trade, and returned to Plymouth towards the end of the year.

As in the year 1628 the French threatened to retaliate the descent of the English on the Isle of Rhé by an invasion of the Channel Islands, so in 1758 they also threatened them in retaliation of the unsuccessful attempt, made under Sir John Mordaunt, to destroy the docks, arsenal, and shipping at Rochefort during the preceding year. But Mr. Pitt, then prime minister, resolved that England should be the attacking, rather than attacked party. With this view, and in the hope of inducing the French government to withdraw a portion of its forces from the continental war, two fleets sailed on the 1st of June, 1758,—one of seventeen sail of the line and several frigates, under Lord Anson, from Spithead, to blockade Brest, where a considerable naval armament was in a forward state of preparation—the other consisting of the *Essex*, of 64 guns, four ships of 50, three frigates of 36, three of 32, and three of 28 guns, besides eleven sloops,

bombs, and fire ships, thirty store ships, cutters, and tenders, and one hundred sail of transports, from St. Helen's, the whole under the command of Commodore Howe, who hoisted his broad pendant in the *Essex*. In this fleet were embarked three regiments of guards and other infantry, amounting to fifteen battalions, 400 artillery, 540 light horse, together about 13,000 fighting men, sixty pieces of cannon, and fifty mortars commanded by the Duke of Marlborough.

Lord Anson stood away west, while Commodore Howe steered athwart the channel with the wind at south-east. The night proved so tempestuous, notwithstanding the season of the year, that one of the store ships rolled away her masts. The next morning they made *Cape La Hogue*, and that night anchored in the race of Alderney. On the 3d, about noon, one of the transports struck upon a rock, near Sark, and was lost, but the troops on board were saved. On the 4th, Commodore Howe anchored within three leagues of St. Malo. Next morning he weighed before break of day, and stood into the bay of Canceille, so called from a village of that name, near which ten companies of grenadiers landed the same evening with little opposition, although there were in the village seven companies of foot and three troops of horse, who retired to St. Malo. The entire disembarkation was completed on the 6th, and on the 7th at dawn, the army proceeded towards St. Malo in two columns, and after a march of six miles encamped about a mile from the town. The same night the piquets made their way at low water close under the walls to the harbour, where they found a 50 gun ship, two 36 gun frigates, upwards of twenty privateers, and seventy or eighty merchant ships, to which they set fire with combustibles provided for that purpose, and the magazines of pitch, tar, and other naval stores shared the same fate. A dreadful scene of conflagration ensued, as the flames raged the whole night,

without the least attempt from the garrison to extinguish them, or to molest the English. Preparations were now made for laying siege to the town, and in the meanwhile a battalion of guards marched to Dol, about twelve miles up the country, where they remained one night, returning next day. A party of light horse penetrated a few miles further, and fell in with the French videttes, two of which they took and brought prisoners to Cancalle. But the duke, having received advice of a large force of the enemy collected to cut off his retreat, and being informed that the siege would occupy a month, he returned with the army to Cancalle on the 10th, where the troops were re-embarked. The fleet sailed from Cancalle on the 16th, and was driven back by contrary winds. On the 22d the ships sailed again, and next day passed Jersey and Guernsey, the design being to attack Cherbourg or Havre, but the weather prevented every attempt made to land near either port, and the whole fleet arrived at St. Helen's on the 1st of July, just one month after their departure from that anchorage.

On the return of this expedition, so unproductive of any advantage either to the nation or the persons employed on it, part of the troops were sent to Germany with the Duke of Marlborough, who was pretty well sickened with his late cruise, as were the other officers of rank. The remainder of the army, under Lieut.-General Bligh, an officer nearly worn out with age, of no talents, but of unquestionable bravery, embarked again on board of Howe's fleet, which sailed from St. Helen's on the 1st of August, and anchored on the 6th, in the bay of Cherbourg. Next morning the ships weighed, and brought up in the bay of Marais, two leagues west of the town, where a more secure landing could be effected. On the 7th, at two p.m., the grenadiers and guards landed under cover of an incessant fire from the fleet, and were opposed by nearly 3,000 men posted behind the sand banks.

The enemy was attacked with such vigour that they quickly fled in great confusion and with considerable loss, leaving behind them two brass cannon, while of the English about twenty men only were killed or wounded. The remainder of the infantry being disembarked, the troops marched to the village of Erville, and there pitched their tents for the night. On reconnoitring the nearest fort, called Querqueville, the following morning, it was found deserted, so that the light horse were now landed without interruption, and the army proceeded in two columns towards Cherbourg, which they entered on the 8th, without firing or receiving a single shot, the town and all the forts being abandoned by the French troops. The inhabitants, relying on a promise of protection, remained in the town, and received their hostile visitors with hospitality, but to the disgrace of British discipline, their confidence was abused, as no proper means were taken to restrain the licentiousness of the soldiery, until the just complaints of the sufferers reminded the general of this part of his duty.

The English proceeded to demolish the basins, and two piers forming the entrance into the harbour, which had been constructed by Louis XV. at a vast expense; the batteries, forts, and magazines of the port, as well as those along the coast were also destroyed. While the engineers were thus employed, the light horse were sent to scour the country, and to reconnoitre a French camp at Valognes, four or five leagues from Cherbourg. The demolition being completed, the army marched, on the 16th of August, to Fort Galet, and there embarked without molestation. Twenty-seven ships were burnt in the harbour; one hundred and seventy-three pieces of iron ordnance and three mortars were rendered useless; and twenty-two brass cannon were sent to England, where they were exhibited for some time in Hyde Park, and drawn through the city in triumphal procession.

As General Bligh was instructed "to carry a warm alarm along the coast of France, from the easternmost point of Normandy, as far westward as Morlaix inclusive," he considered that Granville ought to be the second object of attack, but as 10,000 of the enemy had assembled in Normandy, the design on that town was abandoned. Morlaix would next have been attempted had not advices been received from England that a strong force was prepared at Brest to oppose any descent on that part of the coast. The general and commodore therefore thought they should best fulfil the king's instructions by landing the troops in the bay of St. Lunaire, rather more than one league west of St. Malo, and marching them against that town. The fleet accordingly left Cherbourg on the 18th August, but owing to contrary winds it was the 3d of September before it reached St. Lunaire. Next day the troops landed without opposition, and encamped on an eminence. Four days were spent in deliberations on the feasibility of an attack upon St. Malo, and it was finally determined to be impracticable. Three hundred grenadiers were in the meantime detached to destroy the shipping in the harbour of St. Briac, which was done, but instead of finding 150 vessels as reported, the number proved not to exceed fifteen. The boisterous state of the weather having rendered it dangerous for the fleet to remain in St. Lunaire bay, it was resolved that the troops should march overland to the bay of St. Cas, about three leagues to the westward of St. Malo, and that the ships should proceed thither to receive them. The troops had to make a detour to reach the village of Gildau, where the river they must necessarily pass was fordable at low water, and they marched so leisurely that they were nearly four days reaching the place of embarkation. In fact the general intended to remain at Martignon, on the way, so as to create all the alarm he could and compel the enemy to call

off troops from Germany, had he not there learnt from some deserters that the French were encamped within two leagues of him in great force, and that they meant to give the English battle the next morning. It afterwards appeared that they amounted to upwards of 10,000 men, under the command of the Duc d'Aguillon. Nevertheless, General Bligh continued so totally unapprehensive, that he ordered the usual drums, preparatory to a march, to beat the next morning at three o'clock. The drums beat accordingly, and the army marched in a single column towards St. Cas, which is about a league from Martignon. If the troops had marched in two columns, they would have reached the beach in half the time. The French followed, but did not attempt to molest the embarkation until they saw they might successfully attack the rear guard of 1,400 grenadiers, who alone remained on the beach. They then brought their field pieces to bear, and a shocking carnage ensued, as, when the English retreated to their boats, they were insufficient to receive even half the number on shore, so that about seven hundred men were either killed, drowned, or taken prisoners. Among the killed were Major-General Drury, Lieutenant-Colonel Wilkinson, and Sir John Armitage, a volunteer. As the boats approached the shore, many of the seamen were killed or wounded, and the rowers, hesitating to proceed, lay upon their oars. Howe, observing this, and perceiving the cause of their backwardness, jumped into his barge, rowed into the midst of the fire of shot and shells, and, standing upright in his boat, waved to the seamen to follow him: his example so animated their drooping spirits, that no one now thought of shrinking, but all strove to pick up the poor soldiers, who were swimming or wading into the sea. This disaster was attributed to the want of military knowledge and experience in the English general, who foolishly gave ear to those about him,

who talked of marching through France with a single company of British grenadiers. He was the only sufferer on the return of the expedition, although he had effected much more than his predecessor, the Duke of Marlborough. The cold reception he met with, and an intimation that he would not be received by the king, determined this unfortunate but high-minded veteran to resign a commission which he could not retain with honour. We have dwelt the more at length on these occurrences, because they are rendered locally interesting by the vicinity of the scenes of action to the Channel Islands, which, it need scarcely be added, remained unmolested during the reign of George the Second.*

In this reign, a dispute arose between the lieutenant-governor and the royal court, which led to a more clear definition of their respective rights. In 1756, Sir John Mylne, bart., then lieutenant-governor, detained a Swedish brigantine, called the *Two Brothers*, laden with iron, &c., and bound to St. Malo. On this, the bailiff and jurats cited him to appear before them, and also threatened him with damages for preventing the sailing of the vessel. The matter became so serious that it was referred to council, when their lordships reported, "that the conduct of the court cannot but be looked upon as unwarrantable and derogatory to his majesty's royal authority, vested in the commanding officer of the island, as likewise a contemptuous proceeding against his majesty's command. We are, therefore, to signify to you his majesty's dissatisfaction at such your proceedings, and to require and command, that you do not, upon any pretence whatsoever, presume to act in the like manner for the future, but that in all cases where you may have any reason or cause to doubt with regard to the conduct of the commanding officer, you are to send over to his majesty, at this board, a representation of the fact,

* Barrow's *Life of Howe*.—Campbell's *Lives of the Admirals*.

that his majesty may signify his pleasure thereon to such officer; and for the more effectual prevention of sending lead or any military stores or habiliments of war to France, it is his majesty's pleasure that no ship or vessel belonging to his island of Guernsey, or any other part of his majesty's dominions, be permitted to sail from Guernsey without first showing to the proper officer their bills of lading, and stating to what port they are bound; nor without taking a clearance from the proper officer there, if there be one, otherwise from the receiver of his majesty's revenue in that island, or such other person as shall be appointed by the governor for the time being, for which clearance such officer or other person is hereby required to receive no more than one shilling sterling money of England."

The long reign of George the Third is a memorable epoch in the annals of Guernsey, and was marked by many important circumstances which powerfully acted, and still are acting, on its prosperity. These will be narrated in the order in which they occurred.

On the 23d of May, 1771, a petition was forwarded to council, complaining of unnecessary delays and obstructions in the clearance of ships, and it prayed that certificates on affidavit might be passed by the bailiff, his lieutenant, or any one of the jurats. This was granted by an order in council, dated the 7th of June, 1771, provided the same be done in presence of the registrar of certificates, or other officer, acting as such, or in case of his absence or sickness, then in presence of one of the waiters or searchers.

In 1775, some difference of opinion prevailed in the island as to the duties to be paid to the governor. The governor enjoyed all the rents, revenues, and duties belonging to the crown, and these, for the most part, were enumerated in the Extent of James the First, which contained a tariff of certain rates and customs to be paid on certain goods therein men-

tioned, under the title of "Customs of merchandize brought and unloaded in the island by strangers." The true meaning and intent of that tariff was not well understood at the time; the doubtful points were, 1st,—Who were liable to payment? 2d,—In what particular currency was each article to be charged? The currency of the tariff was only expressed in initial letters. The inhabitants accordingly prayed that these several points should be definitively settled by the supreme government, in consequence of which the lords of the council ordered, "That in future, all goods brought into, and unloaded in, the island of Guernsey, and found enumerated in the tariff of King James's Extent, entitled, 'Customs of merchandize brought into, and unloaded in, the island by strangers,' be liable to the payment of the said rates and customs, the goods belonging to the inhabitants of the island excepted, the said inhabitants being exempted by ancient charters and usages from the payment of such rates and customs on goods unloaded in the said island; and his majesty does hereby declare the initial letters and figures, pointing out the rates and customs to be paid by each species of goods, to be livres, sous, and deniers sterling, each livre sterling being valued at ten livres ten sous tournois, each sou sterling at ten sous six deniers sterling, and each denier sterling at ten deniers and one half denier sterling."

In 1776, serious disputes arose between the bailiff, jurats, and greffier, which were referred to council. It seems that the bailiff refused to register, and ordered the greffier not to register, any of the contracts which came from the feudal courts, and took upon himself to admit or reject causes which came from the feudal courts without the concurrence of the jurats; and their lordships were of opinion that the bailiff had no such right, and was culpable, in thus having attempted to encroach on the concurrent rights

of the jurats. It further appears that, when the jurats contested his pretensions, he proposed to submit their differences to council, in order to obtain the decision of his majesty. Ten of them refused to do so, and, contrary to their oaths of office, on or about the 18th of February and 23d of October, 1775, absented themselves from the royal court, and refused to discharge their functions as jurats. Their lordships highly censured this behaviour, but indulgently attributing it to unguarded warmth of temper, advised his majesty to excuse it, and then laid down the following rules for the government of the parties concerned :—

"1.—Their lordships decided, that the bailiff, with the consent of the governor, or, in his absence, with that of the lieutenant-governor, or commander-in-chief for the time being, has a right to fix a day for the convocation of the states, and to insert in the writs to be issued for their convocation, the matters to be deliberated upon by the states, without the concurrence of the jurats, or any of them ; but that, by usage long observed, the bailiff, previously to the issuing of such writs, ought to communicate to the jurats, in the royal court, his intention of convening the states, and inform them of the day he proposes for their meeting, and the subjects contained in such writs for the states' deliberation. And the bailiff, not having observed such usage in convening the states which met on the 28th of June, 1775, that convention was illegal and void, and the entry made by the bailiff upon the registry of the royal court ought to be expunged.

"2.—Their lordships were of opinion, that if any application is made in the royal court for fixing a day for an ordinary court to be held for the examination of witnesses *in futuro*, or for passing acts and contracts under the seal of the bailiwick, the bailiff cannot fix the day without the concurrence of the jurats ; but if the application is made to the bailiff, out of the royal court, for fixing a day for an extraordinary trial for the purpose last mentioned, the bailiff may fix a day for such an extraordinary court, as he pleases, without the concurrence of the jurats or any of them ; and two of the jurats, who are in rotation, ought to attend the bailiff on the day fixed upon, he giving them reasonable notice thereof.

"3.—Their lordships decided, that the writs for convening the states ought to be written by the greffier of the royal court, from the bailiff's draught or copy, and that the greffier ought to be paid such fee as has been usually paid for them. But when the writs are written by the greffier, they ought to be signed by the bailiff ; and it belongs to the greffier to enter and register on, and extract from, the registry or records, all acts, ordinances, sentences, or resolutions of the states, or of the royal court, or any deed, contract, or judicial sentence whatsoever.

"4.—Their lordships were of opinion, that the royal court had the right to make ordinances to regulate the exportation and importation of provisions ; but that the permission to sell provisions brought by foreigners into the island belonged to the bailiff, and if he refuses to give such permission, the reason of such refusal may be examined into by the royal court, who have power to controul it.

"5.—Their lordships were of opinion, that the bailiff had no right to give permission to strollers, musicians, and other persons, to make public exhibitions in the island, without the concurrence of the jurats ; but that such permission ought to be given by the royal court."

During the first American war, the French govern-

ment sought to avail themselves of the embarrassments of England, and draw off a portion of her naval armaments to the defence of the Channel Islands. A plan for the invasion of Jersey, contrived by a prince or count of Nassau, was favourably received by the court of Versailles, who placed an effective force at his disposal. The ancestor of this general had rendered a very disputed claim of being, in some degree, descended from that illustrious family, the means of greatly advancing his fortunes in France. The army employed on this service has been estimated, by different accounts, at from three to five or six thousand men. They appeared in sight of the island in about fifty flat-bottomed boats, under the convoy of five frigates and some armed cutters, early in the morning of the 1st of May, 1779, and attempted a debarkation in St. Ouen's Bay. But they were so vigorously received by the 78th regiment and the militia of the island, that, after a faint, spiritless, and ill-supported attack, they relinquished the enterprise, with very little loss on either side.

An express was immediately sent to England, and the vessel which carried it happened to fall in with a squadron of men-of-war, under Admiral Arbuthnot, and a prodigious convoy, amounting to about four hundred merchantmen and transports, bound to New York with reinforcements, camp equipage, stores, and other necessities, for Sir Henry Clinton. The admiral had spirit and resolution enough, rather to hazard any personal consequence that might attend a breach of orders, than suffer the loss of so valuable an island whilst he commanded a force in the channel. He accordingly ordered the convoy to wait for him at Torbay, and proceeded himself with the squadron to the relief of Jersey. His presence, coupled with the disputes among the French officers on their first failure, compelled the invaders to retire.

Notwithstanding this repulse and disappointment,

the plan was not wholly relinquished. The French troops were landed and retained for several days on the small islands which lie between Jersey and the continent, while their armed vessels paraded on the coasts of Normandy. The activity and gallantry of Sir James Wallace, in the *Experiment*, of 50 guns, seconded by two frigates, and as many armed brigs, put an end to this state of alarm. That officer having pursued several large frigates, with some smaller craft, into the bay of Cancele, in Brittany, until they had run ashore under the cover of a battery, and his pilots not venturing to take any further charge of the ship, he directly took all the risk on himself, and laid her abreast of the battery. In that situation he continued to engage, until he silenced the guns of the fort, and compelled the French crews to abandon their ships, which being then boarded by the armed boats of the *Experiment* and *Cabot* brig, the *Danae*, of 34 guns, and rated at 250 men, with two small loaded prizes, were safely brought off; but the country people, with some regular troops and militia, now keeping up a constant fire with cannon and howitzers, as well as small arms, from the shore, the English were obliged to content themselves with destroying two other stout frigates, an armed cutter of 16 guns, and a number of small craft. Thus terminated the expedition of the Prince of Nassau against Jersey.

In the attack just described, the Baron de Rullecourt held the rank of second in command, and having planned another invasion, he reached Jersey about eleven o'clock p.m. on the 5th of January, 1781. The personal objects he had in view were sufficiently encouraging, while his military ardour and ambition were of themselves capable of urging him to the most hazardous attempts. The rank of general, the order of St. Louis, and the government of Jersey, were to be the splendid rewards of his success. Such powerful stimulants, acting upon a temper naturally fiery

and bold, were liable to generate precipitation. The Chevalier de Luxemburg, who was his associate in this design, and intended to be his partner in its execution, was, through sickness, prevented from taking any part in the enterprize.

Rullecourt's force for this expedition amounted to about two thousand men, and was composed of the volunteers of Luxemburg, and of detachments from neighbouring corps. Having collected a sufficient number of vessels for their conveyance, and some privateers for their protection at Granville, on the coast of Normandy, his impatience was so great, that without regard to the bad weather which then prevailed, he embarked the troops, and put to sea. The immediate consequence of this injudicious haste, was the dispersion of his fleet of small vessels in a storm, by which ten of them, with about half the troops, were driven back to France, and never rejoined him ; while he, totally ignorant of their fate, with the remainder put in for shelter to a cluster of small islands and rocks, called Chausey, which lie between the French coast and Jersey. He was still too eager in pursuit of the high rewards in view to be deterred by this misfortune ; and, holding cheap the rough enemy he had to encounter, entertained no other apprehension than that of being driven back to his own coast. He accordingly profited by the first fair weather to cross over to Jersey, and succeeded in getting clear of all the dangerous rocks and rapid currents by the aid of a traitorous Jerseymen, who had formerly lived at *La Rocque*, and was an experienced pilot. He had taken refuge in France, after having committed a murder in his own country, and now added a public to a private crime. This wretch steered through the rocks of *La Rocque Platte*, and the vessels arrived in Grouville Bay, where the troops were landed in the dark, at a place called the *Banc du Violet*, about three miles from St. Helier, the capital of the island. The coast

was, however, so dangerous, that a privateer and four small vessels were lost, and about two hundred men perished. A small party of militia, who guarded a redoubt at this place, thought themselves so secure, and were so shamefully remiss in their duty, as to be seized asleep by the enemy, who were thus, for several hours, upon the island without the slightest alarm being given.

Rullecourt, leaving one hundred and twenty men in the redoubt of Grouville, which mounted four guns, marched with the rest of his troops to St. Helier, where, having seized the avenues to the town, he surprised the guard in the dark, and possessed himself of the market-place without noise. The inhabitants were astonished, at break of day, at finding themselves in the hands of an enemy. Major Moses Corbet, the lieutenant-governor, was brought prisoner to the court-house, yet he found means to send information of this disaster to the 78th, 83rd, and 95th regiments, which were stationed in the island. The French commander now wrote out terms of capitulation, which he tendered for Corbet's signature, by which the island was to be surrendered to France, and the troops to lay down their arms, and be conveyed to England. To induce acquiescence in this measure, on which all his hopes depended, he greatly magnified his force, pretending that five thousand of his troops had landed and dispersed themselves through different parts of the island, so that all resistance was vain; and at the same time he held out the barbarous threat of instant destruction to the town and inhabitants in case of refusal. It was in vain remonstrated that no act of the lieutenant-governor, in his present position, could have the slightest validity, and that the officers and troops were too sensible of their duty to pay any regard to his acts, while a prisoner. Rullecourt was peremptory in his demand; and the lieutenant-governor, in

a moment of weakness, signed the capitulation. Major Hogge, the fort-major, followed his example, and died two years afterwards from the poignant grief with which this action embittered his life. But the king's solicitor-general, John Thomas Durell, and the constable of St. Helier, Matthew La Cloche, nobly and resolutely refused to accede to the capitulation.

Rullecourt flattered himself that all his difficulties were surmounted. He produced his commission from the king of France, by which he was declared general of the army and governor of Jersey. He compelled Major Corbet to address an official order to the officers commanding the royal troops, desiring them not to remove from their respective barracks, which they felt themselves bound to obey, until they knew that he was a prisoner. The militia, however, had assembled at different points, and marched in a body on the town; the greater number joined the highlanders, who were quartered on the *Mont Patibulaire*, more familiarly known as Gallows Hill.

In the mean time, the French commander summoned Elizabeth Castle, under the terms of the capitulation, to surrender; but it was preserved by the firmness of the Captains Aylward and Mulcaster, who had fortunately escaped to that fortress on the first alarm, and, being now in some degree prepared against a sudden attack, they peremptorily refused to pay the least regard to any orders whatsoever, extorted from, or issued by, the lieutenant-governor in his present circumstances. The French, placing Major Corbet in their front, still continued to advance towards the gate; but they were fired at with such vigour from the castle, that they found it necessary to make the best of their way back to the town for shelter.

The regiments of the line, and the insular militia, had now formed on the heights near the town, under

Major Pierson, of the 95th, who instantly secured a hill of great advantage, the possession of which had been overlooked by the enemy. The French commander then sent a messenger to Major Pierson to require his compliance with the terms of the capitulation; but that spirited officer instantly answered, that if Rullecourt and his troops did not within twenty minutes lay down their arms, and surrender themselves prisoners of war, they were, at the expiration of that time, to be certain of an immediate attack.

Pierson was punctual to his word, and made a very masterly disposition of his forces. As he was informed that the enemy had applied the town artillery to their defence, the two columns destined for the principal attack were each preceded by a howitzer. The assaults were made in all accessible places with such impetuosity, that notwithstanding the advantage which the enemy derived from the possession of the streets and houses, they were every where driven rapidly upon the centre of their force in the market-place. There the action was soon decided; for, the French general being mortally wounded, the next in command, seeing the hopelessness of their situation with such a disparity of numbers, requested the lieutenant-governor to resume his authority, and to accept of their surrender as prisoners of war.

The satisfaction arising from so sudden a deliverance, was unfortunately damped by the fall of Major Pierson, who was shot through the heart in the instant of victory. The extraordinary military abilities displayed by so young an officer (he being only twenty-five years of age) in what was his first essay in arms, as they would have held out the highest expectations to his country, could not but render his death an object of general regret. By the island of Jersey he was lamented as a hero, who had generously sacrificed his life for its protection. He was interred in the parochial church of St. Helier, and a monument was

erected therein, at the cost of the island, to commemorate his bravery, his services, and his death.

The unfortunate Rullecourt persevered to the last in the same extravagance of conduct which had so strongly marked his character. When the attack was commenced in the market-place, he seized the lieutenant-governor by the arm, and, declaring that he should share his own fate, led him out of the courthouse under a shower of bullets, exposed to which Corbet was obliged to stand close by Rullecourt, until the latter dropped, after having received three or four mortal wounds, which deprived him of the power of speech, though not immediately of life; so that he had the mortification to survive until he had witnessed the ruin and surrender of his party.

Major Corbet was tried and dismissed the service, but it is said he received a pension. His conduct was highly culpable, but he was not a traitor. His dereliction of duty was an act of pusillanimous weakness.

During the engagement in the town, the redoubt at Grouville was gallantly retaken with fixed bayonets, and without firing a shot, by the grenadiers of the 83d regiment, who were on their way to join the main body. Thus, the whole French party that had landed, amounting to about seven hundred men, were either killed or taken prisoners. The British troops had been newly raised, but nothing could exceed the valour and good conduct displayed by them and the militia throughout the whole affair. The British had about fifty of the regulars killed and wounded, and about thirty of the militia. Thus, on the 6th of January, 1781, terminated the last attempt of the French to obtain possession of the Channel Islands.

Guernsey continued unmolested, but the attempt on the sister island, in 1779, probably suggested the propriety of adding to its defences, and with this view, Fort George, a regular fortification to the south of the town, was commenced in 1780, but it is now generally

thought that the site of Jerbourg, so strong by nature, should have been selected for its erection.

In 1780, a very serious difference arose between the inhabitants and the royal court, in consequence of an ordinance enacted by the latter, and which referred to the equipment of the insular militia. The facts will be best explained by inserting the following official documents on the subject:—

"To William Le Marchant, esq., bailiff, and the jurats of the royal court of this island of Guernsey,

"The humble remonstrances of the deputies of the rate-payers of the parishes of St. Mary de Castro, St. Saviour, Torteval, the Forest, St. Martin, St. Andrew, and St. Sampson,

"Sheweth,—That, deeply penetrated with gratitude, in common with all the other inhabitants of this island, for the labour and attention bestowed by the lieutenant-governor and the royal court to maintain tranquillity in the island, and protect it, to the best of their ability, against the invasion of the enemy, your remonstrants would not put any qualification to their thanks or approbation, if the ordinance of the royal court, which forms the subject of this remonstrance, was not opposed to the welfare and interests of the great majority of the inhabitants of this little state.

"We are aware, Mr. Bailiff and gentlemen, that you wish nothing but good to the inhabitants of the island, when in your prudence you suggest plans for their advantage, whether by conferring together to frame an ordinance, or by communicating your wishes to the states, in order to have the opinion of the generality of the people.

"Your remonstrants are persuaded, that the ordinance of which they complain has been framed on principles which the royal court has thought just and equitable; but although men act from the most praiseworthy motives, they may sometimes fall into involuntary error, from ignorance of circumstances, and facts decidedly opposed to the plans they have formed.

"It is, then, with the greatest submission, and with all possible respect, that we, the deputies of other parishes, venture to pray you to hear us in the exposition we are about to make of our grievances, or of the evils by which we are ourselves menaced, if the ordinance mentioned is confirmed and enforced to its full extent. To place our objections in a clear light, we will first recite the ordinance of the 17th of January, 1780.

"On the representation of the lieutenant-governor, the Honourable Paulus Amillius Irving, that it would prove a certain and considerable advantage for the defence of the island against invasion, if the local militia were furnished with a red coat and white stockings when under arms, inasmuch as that would identify the said militia in the eyes of the enemy with the soldiers of the line, which would inspire greater terror into the enemy, however efficient the militia may be, and because many persons are already so furnished; the court, having heard the opinions of the crown lawyers, and desiring to concur in everything which may contribute to the defence of the island, has ordered that all persons who have the means shall furnish themselves with a suitable red coat, and the ornamental facings and collars of their regiments, and white stockings, under the penalty of ten livres tournois; and, as to the poor, they are to be furnished by their respective parishes, the whole within this day and the 1st of May next, after which day every militia-man is prohibited from appearing under arms unless dressed in a red coat, as stated above, and white stockings, when ordered by their commanding officer, under the penalty of three livres tournois; the said ten livres tournois to be applied thus,—eighteen sous to his majesty, and the surplus to the parish of the

delinquent,—and the three livres tournois to be applied thus, eighteen sous to his majesty, and the surplus to the company of the delinquent; and the poor are bound to take care of the clothes and stockings furnished them by their parish, and return them, from time to time as may be required, to such officer as may be appointed by their parish, without permission to use them, except under arms, under pain of punishment. And the artillery regiment is also ordered to furnish themselves with the uniform worn by artillery regiments, and not to appear unless so dressed for artillery exercise when called upon by their commanding officer, under the same penalties as stated above.¹

“The royal court, continue the remonstrants, are not ignorant that the generality of the inhabitants of the country parishes only possess a very trifling property, and especially those in Torteval, only being taxed, for the most part, at three, five, or ten quarters of wheat rent. Moreover, the charges to which they have been subject, during the present course of hostilities, have been excessive, since the country pays two-thirds of the taxes for the public works, according to the established rates. They are obliged to serve as watch or patrol, and to go under arms twice a week, which occupies a great portion of their time and is very injurious to them; but to what an additional expense would they not be exposed, if they were obliged to furnish a coat with ornamental facings and collars of their regiments and white stockings? persons who, for the most part, possess only one decent coat with which to appear in public or go to church, and which is made of a coarse stuff to last them all their lives. What an expense this would be, particularly for an individual who has only a small estate, charged with several rents, with nothing else to subsist his large family but the constant labour (under providence) which he devotes to the soil, and which he waters a thousand times with the sweat of his brow. If such an individual is compelled to provide himself with such dress, and compelled to give others to two or three children, he would become unable to pay his rents, perhaps ruined and obliged to renounce his inheritance, which alone supplied his wants and those of his family.

“Your remonstrants, moreover, pray the royal court to consider that, besides the obligations thus thrown on an individual, he would be obliged to pay a sum (according to his rate of taxation) to assist in supplying the poor and necessitous; whilst another person, three times richer than himself, and without any family, would not be obliged to furnish them with uniform, and would only pay his proportion of the tax: how many would be obliged to beg, if the ordinance was executed to the letter? Moreover, it would cost several of the parishes, this year, nearly nine or ten hundred livres tournois to clothe the indigent; besides, they would be obliged to raise an annual tax of one hundred and fifty to two hundred livres tournois to equip the young recruits; and there would be no fixed limits to this obligation, since the ordinance is worded in general terms, and makes no distinction between a time of war and a time of peace.

“It seems that the only motive for obliging the militia to furnish red coats with ornamental facings and white stockings is to confound them, in the eyes of the enemy, with the regulars; if that is the only advantage anticipated, why make them wear the coat whenever the officer orders them? why not limit the obligation solely to a case of invasion, or when it might please the lieutenant-governor to pass them in review?

“The petitioners pray the court to consider that, if individuals were obliged to furnish red coats, and wear them every time they went out to exercise, whether by companies or by regiments, (which would be at least once a week) this coat, whose colour is so liable to fade, and which does not suit persons obliged to look after cattle and perform other dirty labour, would soon be spoilt, as well as the white stockings, neither of which are fitted for a countryman. A captain of a company, or a commanding officer of a regiment, who should see a soldier come under arms with a torn or soiled coat, would compel him to find another, that he might appear becomingly before his superiors, which would expose him to great expense, whereas blue or brown coats, which the countrymen are in the habit of wearing, of coarse and durable materials, and of a colour but little affected by time or labour, or not at all, with which almost all are supplied, would last them for their lives.

"We beg the court to observe, that the militia of this island is totally different from the militia of England, they being paid by the sovereign, clothed by the government, and subjected to military discipline, whereas the militia of this island are volunteers, being simply a citizen militia, which receives no pay, which recognizes no power but the civil power, but who, after the example of their forefathers, are ready to fight against every enemy who may assail their persons or properties.

"We conceive also, gentlemen, with the greatest submission, that we are not bound to perform any other duty, incur any other expense, or pay any other taxes or dues, save and except those to which our predecessors were bound; and we humbly maintain that the king, our master and sovereign, alone can oblige us to perform new services, or pay new taxes, more especially when they are made perpetual; and yet you force us to pay for other individuals, who have always appeared under arms in their usual clothing, who have always been obedient to their superiors, and as well disposed to defend their country thus dressed, as if they were arrayed in red coats.

"We further maintain, that when the question is to make any change in the island, or raise new taxes on the inhabitants, that it is essential to consult the constables and douzeniers of the parishes, who are the representatives of the people, and who have sworn to protect them, in order to ascertain if such changes are not prejudicial to the interests and privileges of their constituents. The order of Queen Elizabeth, of 1580, furnishes a decided authority on that point.

"We have not been accustomed, in this island, to recognize persons of three estates; but all political affairs are arranged by the lieutenant-governor, bailiff, and jurats of the royal court, after having heard, through the constables, the wishes of the generality of the people: as to tallages and aids, we are not bound or subject to them by our charters and liberties, except it be to ransom the person of the king from prison in case of capture by his enemies (which God forbid).

"We take the liberty of assuring you, gentlemen, that we shall always be ready to sacrifice our lives and properties for the service of the king, George the Third, our lawful sovereign; that, for the future, as for the past, we shall be submissive and obedient to the orders you may please to enact, as well as to the commands of the lieutenant-governor, not doubting that you will maintain us in the quiet enjoyment of our privileges, and of that liberty transmitted to us by our progenitors, which has been confirmed by our kings, and which is dearer to us than life."

This document was presented to the royal court on the 6th of May, 1780, with a prayer that the ordinance might be repealed, but it was rejected. In consequence, a petition was framed and presented to his majesty in council, on the 15th of December, 1780, signed by the deputies of all the ten parishes of the island, and several other inhabitants. The following is a copy:—

"The humble petition of the several persons whose names are hereunto subscribed, sheweth,

"That we, your majesty's dutiful and faithful subjects, humbly supplicate your majesty to permit us to throw ourselves at the foot of the throne, to implore your protection against an unwarrantable power, now and until this day unknown to the inhabitants of this island, which the royal court has taken on itself, by issuing, on the 17th of January, 1780, a pretended law or ordinance (which we take the liberty to transmit with this our most humble petition) that enjoins all the inhabitants of this island to provide, at their own expense, red coats, facings, and white stockings, similar to the respective regiments of the district to which

they may belong, and what is more extraordinary, imposing a perpetual tax upon the inhabitants of this island. That each parish shall, within itself, raise taxes for providing their poor with the same clothing, and that, by the 1st of May, under the penalty of a fine of ten livres tournois against the offender. We should not presume to importune your majesty in these times of trouble, with this, our remonstrance, if the new ordinance complained of could, in any way, be reconciled to the welfare of the inhabitants of this little island.

"Your majesty wishes nothing more than to promote the happiness of your people, the maintenance of good order, and strict observance of the laws; but this ordinance gives alarm to their spirits, contradicts the most solemn laws of this island, throws the whole state into confusion, and forestalls the inhabitants of the precious liberty given to them of presenting their complaints against any political law which the royal court may think proper to impose or enforce.

"It is with the most profound respect that the petitioners beg your majesty will permit them to observe, that the royal court has not power to publish any political ordinance, or impose any tax or contribution upon the inhabitants of this island, by their own authority only; that power is given to the states in general, which is a most incontestible point of right, founded on the customs and constant practice of this island, and on the most respected authority, confirmed by Queen Elizabeth, of glorious memory, by her order dated at Greenwich, the 27th of October, in manner following:—

"We have not been accustomed to have in this island three different states, but all political affairs are to be governed by the governor, bailiff, and jurats, after the constables have ascertained the same by the general opinion of the people."

"And again; it is not in the power of the court to issue any political ordinance without the sanction of the states, that is contrary to the welfare of the inhabitants of this isle. The royal court knows that the generality of the inhabitants of the parishes in the country are but in middling circumstances, and that, in this time of war, the country is exposed to very considerable taxes and charges; they are likewise obliged to keep watch, and be under arms twice in each week, which takes up a great deal of their time, to their great prejudice, and often to the ruin of their families, several of them having only a small piece of ground to cultivate, charged with heavy quit rents, and who have nothing more to subsist on than what the earth produces by their labour. If these, in particular, who have decent habits to appear in under arms and in public are forced to procure the clothes mentioned in the said ordinance, and if those who have two or three children are obliged so to do, they will be rendered incapable of paying their rents and obliged to renounce their land, which is the sole support of themselves and families.

"That the royal court, so far from limiting this obligation, to the time of war and troubles, impose on the inhabitants most excessive charges which they are obliged to raise annually among themselves, contrary to their rights and privileges, since, by this ordinance, they have made no distinction between the time of peace and war.

"The petitioners most humbly represent to your majesty, that the militia of this island differs entirely from that of England, the latter being paid and clothed by the sovereign, and subject to military discipline, while our situation is altogether and in every respect different."

On the 17th of May, 1781, the lords of the council took this petition into consideration, and were pleased to order that a copy thereof should be transmitted to the royal court of Guernsey, who were required forthwith to return their answer in writing to their lordships, who further ordered that the royal court should forbear levying the fines imposed by their act or ordi-

nance, until the question, whether the court has power to make such an act or ordinance shall be determined.

Here this matter dropped, for the government sent over from England, for the use of the militia, all sorts of accoutrements, and this practice has ever since been continued, though the officers find their own uniform. In a constitutional point of view, the subject was of deep importance, for if the royal court could have succeeded in establishing their right of levying money without the consent of the states, they would have rendered themselves supreme and irresponsible; but fortunately this attempt at usurpation was defeated.

On the 24th March, 1783, the domestic tranquillity of Guernsey was disturbed by a most daring mutiny which broke out in the 104th regiment, quartered at Fort George, all of whom were Irish. They consisted of five hundred men, for they were not joined by the grenadier company, which was stationed at Vale Castle, under Captain Fenwick. The mutineers had been quartered during the winter in the citadel, and though they had at all times been troublesome to the country people, they had been kept in tolerable order till the arrival of a few discharged men of the 83d regiment from Portsmouth; but these, it seems, by boasting of their prowess, and describing the impunity with which they, and in general the soldiery all over England, had set the laws at defiance, stirred up a spirit of mutiny, which at last broke forth with extreme violence. About the 18th of that month, they insisted, with their officers, that the gates should no more be shut, that they should have liberty to go where they pleased, and, it being peace, should do no more duty. The governor appeased the tumult by imprudently granting their demands. However, the calm was short; for, on the 21st, the officers, being seated in the mess-room after dinner, were alarmed by the whistling of musket balls among them, and they were forced to creep on their hands and knees to escape the shots,

which continued to fly through the door and windows. They were some time in this situation, till, it is said, some of the worst of the mutineers getting up stairs into the barrack rooms, for the sake of firing down among them, the serjeant-major advised their immediately running off; which they did, the gates being then fortunately open, and though several muskets were discharged at them in their flight, they all effected their escape from the barracks except two, who hid themselves in a coal-hole. This insurrection was known in the town about eight o'clock in the evening, and, at first, it was very much doubted whether the 18th regiment would not join the rebels, or, at least, refuse to act in bringing them to order by force. To the honour of that regiment, they proved untainted with the spirit of mutiny, and turned out to a man, while the town regiment of militia immediately paraded with the greatest readiness to assist in suppressing the outbreak. The officers belonging to the country regiments set off from the town with the first summons; their orders were for each regiment to defend its own district, and to be ready to join the main body on the first order; they accordingly patrolled their own parishes.

At about eleven o'clock, the lieutenant-governor marched out with the 18th regiment, commanded by Major Mawby, and the town regiment of militia, commanded by Colonel George Lefebvre. On arrival at the citadel, without beat of drum, the 18th regiment, with the town grenadiers and light infantry, four pieces of artillery, and two howitzers, lined the front under cover of a low edge, at about one hundred yards distance; four of the militia battalion companies guarded the avenues on one side, and the four others were in reserve. A summons being sent, a parley ensued, but the mutineers declared they would on no account lay down their arms, and several straggling shots were fired. Messages continued till about

four o'clock, when the lieutenant-governor, being on the field admonishing some of these misguided men, a fire was opened on him, and continued along the line, without its being known what numbers of the enemy had sallied forth. The artillery, being in the rear of the 18th, and now pushing forward, caused them to fall on the flanks, and the ground being confined, a momentary confusion ensued, during which several ill-directed shots were fired; however, this soon ceased, and the line was quickly formed in proper order. Soon afterwards, the four companies in reserve were ordered to the right, to occupy a commanding position, and the mutineers, seeing themselves surrounded, and hearing that the whole force of the island was marching against them, quitted the fort, and piled their arms. It is singular that they mounted a regular guard, beat to arms, and kept up garrison duty, as if they had been under command of their officers.

The authorities and inhabitants of Guernsey, duly appreciating the fidelity of the 18th regiment, and the artillery, resolved to give them a public testimony of their gratitude and approbation, and, at a convocation of the states, held on the 7th of September, 1783, the following resolutions were adopted:—

"1.—To return their thanks to the Hon. Paulus Æmilius Irving, lieutenant-governor of this island, for having so happily subdued, without the effusion of blood, about six hundred soldiers of the 104th regiment of infantry, who had mutinied against their officers, and driven them from the fort, by firing loaded muskets at them; and from whose violence the inhabitants had every thing to fear, if they had not been conquered into submission, and forced to lay down their arms by the present lieutenant-governor, who marched against them at midnight, on the 24th of March last, with the 18th regiment of infantry, called the Royal Irish, a company of artillery, and the town regiment of infantry and artillery of the island, whilst the other regiments of the island militia occupied different positions for the protection of the country. The said lieutenant-governor remained all night with the troops in the country, up to the dawn of day, when the mutineers were compelled to submit, after having fired several volleys of musketry on the said troops and militia.

"2.—To return similar thanks to John Mawby, esq., at that time commanding officer of the Royal Irish, and to the other officers of the said regiment, for the prudence with which they retained their soldiers in their duty, notwithstanding an example so calculated to corrupt them, and for having induced them to arm and march against the mutineers, with as much zeal, alacrity, and diligence, as good discipline.

"3.—Equally to thank the officers of the company of artillery for the zeal and

diligence with which they assembled their men, prepared their guns, and marched against the mutineers.

"4.—To return similar thanks to the officers of the four regiments of militia, and to those of the artillery of the island, and generally to the said regiments and artillery, for the zeal and ardour they displayed for the common defence, having quitted and abandoned their houses and families in the middle of the night, some to march against the mutineers, others to occupy the posts assigned to them; and for having remained under arms during the whole night, up to the surrender of the said mutineers.

"5.—To recognize the good services of the privates of the said regiment of Royal Irish, and of the artillery, for the attachment and submission that these said privates and artillerymen showed to their officers,—for the good order and discipline they observed,—and for the courage with which they marched against the mutineers,—and to vote, to the said soldiers, one hundred guineas, which sum shall be paid to their officers to distribute among them."

During the horrors of the French revolution, a vast number of royalists fled from their own country to escape the deadly persecutions which threatened them, and found an asylum in these islands, where they were received with hospitality and kindness, which several gratefully returned, when in their power, after the restoration of the Bourbons in 1814. Many were men of noble family.

In 1792, when Austria and Prussia declared war against France, a rumour prevailed that Guernsey would fit out privateers to capture French vessels. In consequence, the merchants of the island drew up a circular letter which they addressed to the merchants of the maritime towns of France, of which the following is a copy. It received sixty-two signatures, and does credit to the character of the inhabitants.

"Gentlemen,—The merchants of the island of Guernsey, having taken into their consideration the calumnious rumours now in circulation, which declare that they are about to avail themselves of the favourable opportunity now presented of enriching themselves at the expense of France, by arming privateers under the colours of the enemy:—

"Considering that the number of vessels suited for such a purpose at their disposal, the known activity of the inhabitants in the late war, and the advantageous locality of the island, seem to justify such a suspicion, if it were not formally disavowed:—

"Considering, moreover, that an armament against France would be as criminal at this day, (as it might compromise the mother country,) as it was formerly lawful, and a proof of their attachment to the mother country, when involved in war:—

"The merchants have resolved to repel so odious a calumny by a formal declaration of their sentiments; they renounce every prospect of advantage and all interested considerations, which might be easily, but infamously acquired by any attack on the commerce of their neighbours. They solemnly bind themselves not to engage directly or indirectly in any hostile armament against France, so long as she is at peace with England.—(Dated Guernsey, 2d of May, 1792.)"

The following answer was sent to this circular from the commissioners of the town of Nantes:—

"Gentlemen,—Mr. Dobrée, one of your colleagues, has sent us a copy of the engagement you have taken, dated the 2d of May last, not to interfere, directly or indirectly, in any hostile armament against France, so long as she remains at peace with England.

"The merchants of this place, to whom we have communicated your resolution, far from crediting the calumnious reports circulated against the uprightness of your intentions, were fully persuaded that your generosity, disinterestedness, and your love of liberty, would never allow you to break the links of good neighbourhood with a people who are fighting for the maintenance of their rights; they empower us to convey to you all the thanks which your generous act merits, and beg you to be assured of their fraternal sentiments and the desire they have of living in amity with neighbours so jealous of the maintenance of treaties.

"We congratulate ourselves, gentlemen, on being appointed to convey to you the grateful sentiments of our fellow-citizens.—Signed, Mathieu Baudouin, Orillard, Jaillant De Chantelot, Thema, Van-Neuman, Joseph Nomeron, Le Roux De Commerquères, François De La Ville, François Noriez, Lincoln, Dobrée."

During the revolutionary war against France, the privateers of Guernsey were eminently distinguished by the hardihood of the crews, and the rich prizes they captured.* It would be foreign to the object of this work to enumerate the exploits and successes of each private adventurer who embarked in these hostilities; but it would be unpardonable were we to omit, in a History of Guernsey, the skill evinced by the most eminent seaman Guernsey ever produced, within sight of his native land.

On the 8th of June, 1794, the *Crescent*, frigate, commanded by Captain Sir James Saumarez, accompanied by the *Druid*, frigate, and *Eurydice*, a twenty-four gun ship, fell in with, off the island of Jersey, and was chased by a French squadron, consisting of two cut down seventy-fours, each mounting fifty-four guns, two frigates and a brig. Sir James, perceiving the vast superiority of the enemy, ordered the *Eurydice*, which was the worst sailer, to make the best of her way to Guernsey, whilst the *Crescent* and *Druid* followed under easy sail, occasionally engaging the French ships and keeping them at bay, until the *Eurydice* had gained some distance ahead, when they

* The celebrated Edmund Burke once observed, that the Channel Islands alone might rank among the naval powers of Europe, and certain it is that they have contributed their full share to that naval pre-eminence, which is the chief dowry of Great Britain.

made all possible sail to get off. The enemy's squadron, however, gained upon them so rapidly, that they must have been taken but for a bold and masterly manœuvre. Sir James, seeing the perilous situation of his consorts, hauled his wind and stood along the French line—an evolution which immediately attracted the enemy's attention, and the capture of the *Crescent* seemed for some time to be inevitable. Among the Guernseymen who had volunteered on board the *Crescent*, was an experienced king's pilot, named John Breton, a native of Saint Saviour's parish, well acquainted with all the rocks and currents round the island; he pushed the frigate through numerous intricate passages where a king's ship had never before swum, and, singularly enough, sailed so near to the shore of the Câtel parish, that Sir James could distinctly see his own house; a position truly remarkable from the contrast,—for, behind him he beheld a French prison,—before him, his own fireside. Success attended this bold experiment, and the *Crescent* effected her escape into Guernsey roads, greatly to the disappointment of her pursuers, who counted on an easy and certain triumph.

However gratified Sir James must have been from the consciousness of having saved his ships by this masterly retreat, that pleasure must have been greatly heightened by the circumstance of having his countrymen as eye-witnesses of his good seamanship and daring. Lieut.-Governor Small, who, with a multitude of the inhabitants, beheld the whole of these naval evolutions, immediately published the following flattering testimonial in public orders, which was afterwards transmitted to Sir James by the brigade-major:

“ Parole, Saumarez.—Countersign, *Crescent*.

“ The lieutenant-governor of Guernsey cannot, without doing injustice to his own feelings, help taking notice thus publicly of the gallant and distinguished conduct of Sir James Saumarez, with the officers and men of his majesty's ships *Crescent*, *Druid*, and *Eurydice*, under his command, in the very unequal conflict of yesterday, where their consummate professional skill and masterly manœuvres demonstrated with brilliant effect the superiority of British seamanship and bra-

very, by repelling and frustrating the views of an enemy at least treble their force and weight of metal. This cheering instance of spirit and perseverance in a most respectable detachment of our royal navy, could not fail of presenting an animating and pleasing example to his majesty's land forces, both of the line and island troops, who were anxious spectators, and beheld, with admiration, the active conduct of their brave countrymen. To the loyal inhabitants of Guernsey it afforded cause of real exultation to witness the manly and excellent conduct of an officer whom the island has to boast he is a native of."

On this occasion the lieutenant-governor presented John Breton with a silver gilt medal, on which was the following inscription:—"Gift of Major-General Small, to Mr. John Breton, pilot to H.M.'s ship *Crescent*, as a reward of his merit on the 8th of June, 1794, off Guernsey.—H.M.'s ships *Crescent*, Sir J. Saumarez, and *Druid*, Captain Ellison, engaging the enemy, to prevent H.M.'s ship *Eurydice* from falling into their hands."

During the reign of George the Third, two natives of the bailiwick, Peter Perchard and Paul Le Mesurier, were lord mayors of London, and the latter was also member of parliament for Southwark. Peter Paul Dobrée, another native, succeeded Dr. Monk, now bishop of Gloucester, as regius professor of Greek at the University of Cambridge. It is also creditable to the military character of the little island of Guernsey, that of the five British generals killed in action in 1812, two, whose names follow in the obituary of the *Annual Army List* for 1813, were Major-General Le Marchant, 6th dragoon guards, at the battle of Salamanca, and Major-General Sir Isaac Brock, K.B., 49th Foot, in America.*

In 1799, a petition was forwarded to council, praying for the erection of a prison in the town parish, for up to that date the gaol was in Castle Cornet. By the constitutions of King John, it was not allowed to imprison any person in the castle, except for a crime that deserved corporal punishment. Debtors were sent to other prisons appointed for their reception, according to the decision of the twelve jurats, as the

* The other officers were Major-Generals Bowes, Craufurd, and McKinnon, who all fell in Spain.

following extract proves :—*Quod nullus debet imprisonari in castro, nisi in casu criminali vitam et membrum tangente, et hoc per judicium duodecim coronatorum, juratorum ; sed in aliis liberis prisonis ad hoc deputatis.*

Before the foundation of Castle Cornet, no doubt but there were prisons in the island, both for the punishment of civil and criminal cases, though it is not easy to determine their exact locality. However, by the Extent of Henry the Third, successor to King John, six portions of land had been appropriated for that purpose on the following scale :—three to the prior of St. Leufroy ; one to William De Rohais ; and two others to the lords of the fief d'Anneville. Each of them was bound by his tenure to keep all prisoners in safe custody within his jurisdiction. *In eadem insulâ sunt sex carucatæ terræ quarum Prior Sancti Leufridi tenet tres carucas ; Willelmus Rohais, unam carucatam ; et in feudo de Anneville sunt duæ carucatæ quæ debent et solent ad turnum suum et secundum tenuras prisonas custodire.* After which it is added, *Sed tempore illo non fuerunt castella in Insulis :* but in that time there were no castles in the island.

We have stated above, purposely in vague language, that “six portions of land” had been appropriated as a recompense to those who kept the prisons. We will now be more definite. The Latin expression is “*carucata terræ.*” There has been much controversy among the feudal writers as to the signification of the words, “a knight’s fee, a hide, a plough-land, a yard-land, and an oxgang ;” some holding that these words denoted a specific number of acres. But Lord Coke has very clearly shown that each of these words applied to the *quality*, not to the *quantity*, of the land ; to its value, not to its contents. *Carucata terræ* is rendered by Coke, “a plough-land,” which he says was the same as a “hide of land,” and he explains it to be “as much as one plough can, by a course of husbandry, plough in one year.” We

thus see the value of the portions of land which were formerly granted in Guernsey to defray the expense of the prisons.

The words, "but in that time there were no castles in the islands," must be limited in their construction, for they only allude to Castle Cornet, or any castle fit to keep prisoners in, as the castle of Mount Saint Michael, in the Vale parish, was certainly then in existence, and that of *Des Marais*, near the town, was erected long before the time of William the Conqueror, as well as many other small ones round the coast.

In the reign of King John, the royal court were empowered to commit prisoners to Castle Cornet in criminal cases, and as this fortress became more spacious by the additional works made to it from reign to reign, it is probable that a prison for civil offences was constructed, either by the crown, or at the expense of those who, by their tenure, were obliged to keep prisoners in custody. The inhabitants, in general, largely contributed towards the erection of Castle Cornet formerly, as they do to this day in maintaining the bulwarks round the island, and barriers against the encroachment of the sea. It was in consideration of these and other services that the Earl of Anjou exempted them from all foreign taxes, which was urged as a strong argument against the military, when they insisted on making the castle a pure garrison, quite independent of the civil power, notwithstanding the authority given by ancient sovereigns to the court to inspect it, and see that it was well supplied with arms and ammunition.

By the Extent of the revenues of the crown in Guernsey, drawn up in the fifth year of the reign of King Edward the Third, the gaoler, or as he was more politely called the "*Portier du Châteaueu*," was paid by the king at the rate of twelve deniers per diem. He also received a small proportion of wine

and salt from strangers, who landed cargoes, and also of earthenware and glass.

The inconvenience of keeping the prison in Castle Cornet had been felt so long back as 1607, when the inhabitants of the town parish applied to the royal commissioners sent over in that year by James the First, and petitioned them to order a prison to be built in the town in lieu of that at Castle Cornet; but the commissioners stated that their authority did not extend so far, and that no change could take place without the special and particular warrant of his majesty in council. Several expedients were tried to remedy the evil complained of at different times, as appears by sundry acts of the states, dated the 6th of October, 1718, the 17th of November, 1769, and the 29th of March, 1786, all of which failed through objections raised against defraying the cost out of the crown revenue. The petition forwarded to council, in 1799, prayed "that his majesty would be graciously pleased to authorise the states to raise and levy a general tax on and from the inhabitants of the several parishes of the island, according to what each inhabitant is or may be assessed and rated at in his respective parish; nevertheless, that such tax shall not exceed the rate of six pence sterling per quarter of wheat rent; and upon consideration that this instance shall not be drawn or brought as a precedent to derogate from the ancient rates and proportions fixed and established between the several parishes in the island for such taxes as are voted by the states for public exigencies."

It was further stipulated in this petition, that the new prison should be subject to the same rules and regulations as were in force at the prisons in Castle Cornet; to wit, that the gaoler and executioner should be named and appointed by any of the governors of the island for the time being, and their salaries paid out of the crown revenues of the island; secondly,

that the maintenance of prisoners committed for crimes, and unable to maintain themselves, should also be paid out of the same revenue; thirdly, that the prison and its appurtenances, after having been built, should be kept up and repaired out of the same revenue, on the same principle as had been observed from ancient times with regard to the prisons in Castle Cornet.

The constables and douzeniers of the town parish presented a counter-petition, praying that their objections might be heard, so far as respected the proposed mode of defraying the cost of the new prison. On the 31st of May, 1800, the lords of the council took both petitions into consideration, and heard the petitioners by counsel; they then called for an account of the amount of income which had been raised by any assessment in Guernsey, what had been the repartition among the nine country parishes of their proportion of such assessment, and the specific purpose to which the revenue so raised had been applied; they also required an account of the pier duty and its application. After these several statements had been laid before their lordships, they resumed the consideration of the subject, when Lord Grey, governor of the island, reported that the opposition to the petition of the deputies of the states no longer existed, and this was confirmed by the solicitor of the constables and douzeniers of the town parish, though the following condition was annexed to their concurrence; to wit, "provided that the raising the money for the building of the said prison, in the manner proposed on this occasion, shall not hereafter be drawn into a precedent whereon to ground any other, on any future occasion, or to derogate in any way from the ancient fixed rates for taxes established between the parishes of the said island."

On the 18th of May, 1803, his majesty in council was pleased to authorize the states to erect a new

prison in the town parish, at such place as might be found fit and convenient, for securing the persons of criminals, debtors, and others, subject to the same rules and regulations as had from ancient times been observed in reference to Castle Cornet ; also to raise the money by a tax of sixpence per quarter of wheat rent in the manner proposed by the deputies of the states, it being well understood that this should never be adduced, on any future occasion, as a precedent for general taxation.

The present prison was built in 1811. It was originally calculated to accommodate nineteen prisoners in separate cells ; to wit, two for women, five for debtors, eight for felons, and four lock-up cells for the use of the constables, to contain prisoners previously to their examination. There is a black hole, which is in the same form as the other cells for felons, but painted black, and the light is excluded ; air is admitted by a tube. There is one spacious yard, where debtors are allowed to walk. The felons have access to an open gallery, where they take their exercise ; the premises are particularly clean and dry. There are no day rooms. The cells for the felons are nine feet by seven ; for the debtors, sixteen by nine ; the cells are washed once a week, and white-washed yearly. From the cells the prisoners cannot see each other ; but by loud talking they can hear one another. They sleep on straw palliasses and wooden bedsteads. Each prisoner has three blankets and a counterpane in summer, and an extra allowance in winter, which are washed and aired once a month ; the debtors hire beds, if they wish, as they are only allowed straw and blankets at the expense of the arresting creditor. In winter and summer, the debtors are unlocked from eight to sunset ; the felons have the same indulgence from ten to two. The jurats of the royal court are required, by an ordinance, to visit and inspect the prison by rotation, quarterly. There is a resident

keeper, but no turnkeys. Corporal punishment is not inflicted.

Felons are permitted to see their friends from ten to two, without the presence of the keeper. This indulgence ought to be discontinued, for it is the total absence of all social indulgence which renders punishment dreadful; but while felons are allowed to receive daily visits of four hours, and thus obtain that sympathy which alleviates their mental anguish, it is to be feared that very little impression is made on their minds. The infliction of punishment at all is an evil, but it is an unavoidable one; it contemplates the reformation of the criminal himself, and should be so administered as to deter others from the commission of crime. When, therefore, sentence is once awarded, it ought to be carried into effect with a sufficient degree of severity to produce repentance in the individual, and dread among the rest of the community; but both these objects are defeated by allowing a felon four hours daily intercourse with his associates.

It may also be objected to the economy of the prison, that men and women are confined under the same roof. A wall ought to be built across the southern part of the yard, where five or six cells, exclusively for women, might be easily erected, and where also a wash-house could be built. This classification of the men and women was recommended by the present keeper, on the 5th of April, 1835, as appears by the inspector's book; and on the 6th of October, 1835, he represented to the jurats that he felt the greatest inconvenience from the want of a wash-house. It would also be desirable that a well should be sunk within the walls, as at present there is only a tank of rain water, which is certainly large enough, but in warm summers the water is flat and unpalatable. Such as are prisoners, however, and are sentenced to bread and water, always receive toast and water, as a more grateful beverage.

Another defect in classification that prevails in the prison is, that convicted felons are able to communicate with uncondemned prisoners, who are lodged there preparatory to trial, but who, of course, may be innocent. This ought to be remedied, especially among youths, who may learn more vice in a day's conversation with an old offender, than they would acquire in years, if not thrown into contact with callous and experienced transgressors of the laws. The English practice of supplying prisoners with food is not adopted in Guernsey; they are allowed nine pence per day each, which they spend as they please. This practice is attended with a good result. If a felon, the term of his imprisonment being over, is turned out on the world without a farthing in his pocket, he will most probably return to his old pursuits, unless he obtains immediate employment; out of nine pence per day something may be saved. We knew one man who economized as much as enabled him to buy a shirt and a pair of boots, and many have left with several shillings in their possession.

The repairs of the building and the maintenance of all prisoners, except those confined for debt, are defrayed by the crown; this, however, is with some limitation, and was so decided by the royal court, in 1823, in a cause between his majesty's receiver and the constables of St. Peter-Port. The rule laid down on that occasion was the following:—"The receiver is not liable for the maintenance of such prisoners as are lodged in prison by the constables for trial, but only of those who have been tried and committed by a judicial sentence."

During the winter of 1793-4, an expedition, consisting of several frigates, the requisite number of transports, and eight regiments of infantry, under Lord Moira, arrived in the roadstead, where they took on board another regiment of infantry, forming part of the garrison. These troops were intended to make

a descent on the coast of France in support of the royalists ; but owing either to the boisterous season of the year, or to some other cause, they returned soon after to England, without accomplishing the original object of the expedition.*

Towards the close of the year 1799, two divisions of Russian troops, which had been engaged, in conjunction with the English, under Sir Ralph Abercrombie and the Duke of York, in the ill-fated expedition to Holland, undertaken by the British and Russian governments for the re-establishment of the Prince of Orange, were landed in Guernsey and Jersey, the introduction of foreign troops into England being prohibited by the Bill of Rights. The entire force was under the command of General Viemenil, a Frenchman, who, on the restoration of the Bourbons, was created a field-marshal, and consisted of about 10,000 men, of whom 6,000 were quartered in Guernsey, on Delancey Heights, part in the barracks already erected there, and the remainder in temporary wooden buildings. A disease, contracted by exposure to the marshy grounds of Holland, and still lingering among them when they arrived here, carried off some hundreds, who were buried in a small enclosure at the foot of the hill, on which stands Vale Castle, where their graves are still to be seen. Their conduct towards the inhabitants was at first peaceable and orderly, although they were excessively fond of ardent spirits, and, having plenty of money, indulged in them freely, swallowing immense quantities in a raw state at one draught. But previously to their embarkation, one of the soldiers was committed for a rape, of which the evidence was, however, insufficient

* The oyster banks to the southward and eastward of Castle Cornet were so broken up by the anchors of the transports, which drove upon them, that they were soon after dredged for a short time. With the view of affording employment to the fishermen in winter, a premium was offered in 1837 for oysters from these banks, and upwards of 60,000 were dredged from them in consequence; but owing to the depth of water it was found that they would not bear competition with the oysters from France, and the fishery was not continued. The fact was, however, established of there being a sufficiency of oysters in the vicinity of the island for the consumption of the inhabitants, and these banks will probably be had recourse to in the event of a war with France.

to convict him; and in June, 1800, while the transports were in the roads to convey them to Russia, another, who was robbing vegetables on a farm, which had frequently been plundered by them before, was fired at and wounded by the proprietor. This so exasperated the whole division, that fears were entertained of their revenging themselves on the inhabitants generally, and as the British garrison was very small, it required all the tact and conciliation of the lieutenant-governor, Sir Hew Dalrymple, to prevent an outbreak. The influence of their general, Sedmoratzky, was also exerted to the same purpose, and the troops embarked, but the guns at Castle Cornet were kept shotted to prevent their relanding.*

The successes of the French revolutionary armies on the continent, together with the threats of an invasion of England itself, excited apprehension in the minds of the British government for the safety of the Channel Islands, and their garrisons were gradually augmented until about the year 1805, when that for Guernsey was definitively fixed at 4,000 infantry, and one company of artillery. For their accommodation barracks were successively erected at Amherst, near the New Ground, Delancey Heights, Lancresse Common; and at Le Rée, Richmond, Grand Rocque, and Jerbourg.

On the renewal of hostilities between Great Britain and France, in 1803, Lieutenant-General Sir John Doyle was appointed to the then responsible situation of Lieutenant-Governor of Guernsey. He at once proceeded, with a zeal which nothing could check, to place the island in a complete state of defence. Breastworks were raised round the coast, batteries were erected in every bay, the citadel of Fort George

* The anniversary of the Emperor Paul's birth-day occurring whilst they were here, they celebrated it with great pomp, the officers giving a grand ball in honour of the day, to which the principal inhabitants and the English officers in the garrison were invited. The ball was given at the Assembly-rooms, which were splendidly and fantastically decorated, whilst the Market-place, and the avenues to it, were, as if by magic, transformed into a beautiful park, the walks of which were thickly strewn with fine sand: the whole being brilliantly illuminated at night, had a very imposing and pleasing appearance.

was strengthened, and the insular militia was brought to a state of discipline and perfection, which it had never yet attained. A large tract of land at the Vale, which, since the year 1204, had been overflowed by the sea at high water, was, by his exertions, rescued from its dominion at the expense of government, and though at first, to all appearance, little better than a bed of sand, yet when publicly disposed of by order of the crown, it produced no less than £5,000; and by draining and judicious husbandry, corn now grows, cattle graze, and many farm-houses stand, where, at the commencement of this century, rolled the billows of the atlantic. This, however, was not the only benefit conferred on the island during the long administration of this excellent officer and good man, whose memory is justly dear to the islanders. At his intercession, the money obtained from the sale of the Braye du Valle was devoted by government to the formation of new roads, one of the greatest boons ever conferred on Guernsey,—a measure which encountered the most ignorant opposition, especially from those most benefitted,—the country people,—and was only carried by a rare combination of tact and perseverance in Sir John Doyle. As this improvement forms an interesting era in the civilization of Guernsey, we shall place on record some few extracts from the first report of the committee of roads, dated the 6th of June, 1810:—

"The committee of the states, appointed by their resolution of the 24th of last May, wishing to justify the choice of their constituents, and fathom the question submitted to them on the two great roads proposed by his excellency the lieutenant-governor and commander-in-chief, Sir John Doyle, bart., and after the honour of a conference with his excellency, have thought it right to lay down principles and collect such facts as are connected with the subject, in order that the states may come to a sound conclusion from a knowledge of all particulars and details.

"Of the usefulness of good roads, no one can now entertain a doubt. Roads, as it has been well observed, are the veins of a state; they carry life through all its parts, by facilitating the circulation of the wealth derived from agriculture, or which serves to fertilize the soil. Considered in a military point of view, good roads are absolutely necessary for the defence of the island; the opinion of our lieutenant-governor should alone suffice to settle public opinion on this subject, but without limiting himself to a bare announcement of his views, he has given his reasons, which are unanswerable, and which carry conviction to every mind.

and they adopted the following scale:—To give currency to Spanish dollars at the rate of five shillings per dollar; French crowns and bank tokens, at the rate of five shillings and six pence; French half-crowns at the rate of two shillings and nine pence. These resolutions were made the subject of complaint to government, but they were sanctioned, as the following official document proves:—

“Treasury Chambers, 9th of May, 1811.

“The lords commissioners of his majesty’s treasury, having had under consideration a letter of the 16th ultimo, in answer to one from this board, as to measures lately adopted in Guernsey for altering the value of the specie in that island, I have it in command to acquaint you that your explanation is satisfactory to their lordships, inasmuch as it appears that no sanction has been given on the part of his majesty’s government to any alteration in the rate at which the guinea is by law made current in this kingdom; but that there can be no objection whatever to bank tokens and French crowns passing for five shillings each.

(Signed)

“GEORGE HARRISON.”

“Major-General Gledstanes.”

In 1812, a further rise took place in the denominative value of the currency. Spanish dollars, of all sorts, were estimated at six shillings per dollar; French crowns, at six shillings and six pence; French half-crowns, at three shillings and three pence. The guinea continued to be worth four French crowns and a shilling, or four dollars and three shillings. The reasons which induced the meeting to adopt this measure, will be best understood from the following statement, drawn up by Daniel De Lisle Brock, esq., who was appointed chairman of the committee of merchants:—

“It is not two years,” observed Mr. Brock, “since the inhabitants held a meeting on the same subject, and though many hesitated in coming to a resolution tending to raise the gold and silver currency, yet all are now convinced that it was a necessary measure, and that it would have been fortunate, if the rise had been more considerable. To those who object to such a measure on the ground that changes of this nature are to be deprecated by reason of the many evils that may arise, the answer is plain; and the meeting may say, we are aware of the delicacy of the question, and of the evils that may be pointed out, as resulting from a change in the value of money; but it is not we who are to bring it about; it is not we who can, by all the resolutions in the world, change the nature of things, or fix a value on gold and silver. The change does already exist and the question is, whether it be better to keep a gold and silver currency at the price it is intrinsically worth, or go without one altogether? for it would be ridiculous to suppose that dollars will remain in circulation at five shillings, when the silver they contain is worth by

weight nearly 5s. 11d., and is daily rising, as may be seen by having recourse to the following London price currents :—

	Per oz.
On the 14th of August last, dollars were worth	6s. 2½d.
" 26th do.,	6s. 3½d.
" 1st of September	6s. 4d.
" 15th do.	6s. 8½d.
" 18th do.	6s. 8d.

" If we compare the price of Portugal coin, which is of the same standard as the guinea, we shall find that

	Per oz.
On the 7th of August, it was	£5 0
" 11th of September	5 8
" 25th do.	5 11

" Now, since forty guineas and a half guinea weigh one pound, the guinea, compared to dollars at six shillings per dollar, is really worth four dollars, five shillings and eleven pence, or five dollars wanting one penny. These calculations prove that it is not the meeting that changes the value of any of the coins in question, but that the change existed before the meeting was thought of; and it is only to be regretted that it did not assemble before, to apprise the people at large of the real value of coins, which have disappeared as fast as they were brought into circulation, to the benefit of strangers. These calculations will also prove the necessity of the change in the denominative value of foreign coins recommended by the meeting, since, without it, the island would soon be reduced to a paper currency of ten shillings, five shillings, and half-a-crown notes emitted by persons who would thus exchange their paper against the solid gold and silver of the public, as is, in great measure, the case at this moment in our sister island, Jersey. Many persons were of opinion that the rise, in order to be effectual in keeping the dollars in circulation, ought to have been sixpence per dollar more; and, on reflection, no one will think that it can be less than the price recommended by the meeting."

In Jersey, meetings were also held on the subject of the currency, and it is proper to contrast the ignorant views manifested in that island with the sound and prudent principles adopted in Guernsey. We shall, therefore, place on record the Jersey resolutions, dated St. Helier, 11th July, 1810 :—

" In consequence of a meeting held by Major-General Robertson, the heads of departments, and commanding officers of regiments, by the orders of his Excellency Lieutenant-General Don, to take into consideration the extreme loss sustained by the low rate of exchange charged by the merchants and others of this island, not only on bills drawn for the use of government, but also on all bills drawn by individuals,—we, the undersigned, conceiving that the best method of counteracting this exorbitant tax upon us will be the introduction of bank of England notes *at par*, and that we will not receive the private notes of any banker who refuses to take our bank of England notes *at par*; and that we will likewise use our utmost endeavours to induce all officers and others under our command and influence, to enter into the same terms of agreement."

This document was signed by 219 heads of departments, commanding officers of regiments, and other officers of the army. Nor were they content with the publication of these foolish resolutions; they attacked the merchants who had met in Guernsey, styling

their meetings "associations and combinations to raise the value of money fixed by law." Gold and silver quitted Jersey, and their departure was ascribed to the Guernsey resolutions, as if the merchants of the latter island had caused dollars to rise to six shillings and eight pence half-penny per ounce,—as if the crown, being as silver worth six shillings and four pence, it could remain current in Guernsey at five shillings or five shillings and sixpence. It was not the Guernsey resolutions that occasioned the rise in the currency, but the rise in the currency occasioned the resolutions, and that same cause would have drawn the coin out of Jersey, whether the resolutions had been passed or not. Indeed, the grand object of the meetings in Guernsey was to prevent the necessity of local notes. The only two banks, ever established in Guernsey up to that date, failed at one and the same time with probably sixty thousand pounds worth of notes in circulation: it is not necessary to dwell on the distress and confusion which ensued, but there was not one person in the island who was not aware that the misery would have been tenfold, if these banks had issued crown and half-crown notes. Was it not, therefore, natural for the inhabitants to keep the gold and coins current, when they knew that, without those measures, those coins would inevitably disappear, and the substitutes be, not only in pound notes, but those local notes of the low value of crowns and half-crowns, the inconveniences and dangers of which were justly apprehended by all classes?

But, though the people of Guernsey were fully satisfied of the policy of raising the denominative value of all coins, it was doubted whether any such measure could be legally carried into effect by a resolution of the merchants. Sir Peter De Havilland, at that time bailiff, insisted that any change in the currency, both by law and custom, belonged to the

jurisdiction of the royal court, and on this subject he addressed the following interesting letter to Major-General Sir Albert Gledstanes, then commanding in chief in Guernsey, dated 17th of December, 1812:—

"I am clearly of opinion, that when a change in the currency of this island is necessary, it can be legally obtained only by representing such necessity to the constituted authorities, who would pursue therein the course prescribed by law and custom. At any rate, the discussion of such a point cannot belong to a body of men, who are more or less interested in the solicited rise of the currency.

"By all the charters granted by royal authority to this island, and by the regulations of the royal commissioners in 1607, the currency of the island is to be the same as that of Normandy, and any change that may be deemed necessary, forms part of his majesty's prerogative; and the inhabitants are, moreover, by the same charters, bound to pay unto his majesty a tax or rent, every third year, called *fouage* or *monnaie*, that his majesty may allow the coins current in Normandy to pass in this island, and to be received as legal payment at the same value at which they are current in that country.

"The French crowns, which at a meeting (a public meeting) were recommended to be given currency to, at the rate of six shillings and six pence, and the French half-crowns, at three shillings and three pence, have always been considered of the currency of Normandy and of this island, in proof of which I need only state, that in 1699, three soldiers of the royal regiment of fusiliers were convicted of coining and uttering false French half-crowns, one of whom, John Edwards, suffered death, and the other two, William Cockley and John Campbell, received his majesty's gracious pardon by an order in council, dated the 21st December, 1699.

"Another instance of similar conviction for having coined French coins, occurred so lately as 1781, against Stewart Kelly, who was afterwards pardoned by his majesty, at the recommendation of the royal court, as appears by another order of his majesty in council, of the 2d of January, 1782, and thereby the value of that currency could not be altered at the will of any unauthorized individual or body of men.

"I shall now observe, although it belongs to his majesty, in virtue of his prerogative, to regulate the currency of this island, that it appears on the records of the royal court, that when a change in its value has been found necessary, the royal court has, from time to time, by its ordinances, altered, regulated, and fixed the same, and all matters regarding its circulation.

"As far back as 1533, which is within a few years of the most ancient records of this court extant, there is an ordinance of the royal court fixing the value of the *écus d'or*.

"In 1537 and 1553, the value of the other coins was fixed by an ordinance of the royal court; and in the same manner in 1581, the court fixed the value of all the coins current in the island.

"In 1626, doubles, or *liards de France*, a copper coin current in Normandy, and consequently in this island also, having been imported in large quantities, the royal court ordered that no one should be obliged to take of them more than the amount of two sous per *écu*, on the whole sum to be received.

"In 1655, the value of the doubles was fixed by the royal court at twenty-four for six sous, the same at which it was current in Normandy, and they were prohibited to be passed at a less value, under a penalty of one hundred and fifty livres *tournois*.

"In 1741, other changes were ordered by the royal court in the value of the doubles, and, in 1763, they were again fixed at six per sou, and the court ordered that no one should be obliged to receive more than seven sous of them in each payment.

"In 1766, French three livre pieces, and five sous pieces, were ordered by the royal court to be received for all sorts of payment.

"In 1797, the French six livre pieces were fixed by the royal court at five shillings and three pence, and the Spanish dollars issued by the bank of England, at five shillings and nine pence; and the next year, at the request of several merchants, the court were pleased to recal that ordinance.

"In 1802, the same ordinance of 1797 was renewed, and in the same year it was again repealed by the royal court.

"From all these precedents, and others which I forbear to quote to avoid prolixity, it appears clearly that it has been customary for the royal court, in this island, for nearly THREE CENTURIES, and with the opinion of the crown officers, without intermission, obstruction, or restraint from government, from time to time to regulate the value of the currency.

"I cordially unite with the court in the desire to submit to his royal highness the prince regent in council, whether it might not be advisable when any alteration is necessary in the currency of the island, that the court should continue by sufferance of his majesty to regulate the same, as it has hitherto done, as it appears by the precedents above quoted; such regulations being subject at all times, as every act of the court, to the controul and revision of his majesty in council."

The opposition of Sir Peter De Havilland met with no result, and the resolutions of the merchants were carried into effect. Indeed, the lords of the treasury had sanctioned the principle of the measure before the letter of Sir Peter was written, as we have shown by the communication addressed to Major-General Gledstanes, and signed George Harrison.

Up to this period, it was a principle universally recognized in Guernsey, that every citizen was bound to serve the state in some capacity or other, without fee or reward. A considerable change was now about to be introduced, arising out of a petition presented by Sir Peter De Havilland, bailiff, which was taken into consideration, and decided upon by the prince regent in council, on the 14th August, 1813. That petition in substance stated—

"1.—That the petitioner had been appointed to the station of bailiff in 1810.

"2.—That King John granted a constitution to Guernsey, and that the bailiff was then, and still continues to be, appointed by the crown, and had always received a pension or salary, and fees attached to his office, though the jurats of the royal court, who are elected by the people, are obliged to serve gratuitously.

"3.—That the bailiff's pension or salary is stated in the Book of Extent, drawn up by order of King Edward the Third, in 1331, to have been at that period thirty livres tournois per annum, besides his fees, while the allowance paid to the governor was two hundred livres tournois per annum.

"4.—That this same salary of thirty livres tournois is again recorded in the proceedings of an inquiry instituted by royal authority, in 1439, and it has ever since continued of the same amount.

"5.—That the salary of the bailiff, and of the other principal officers of justice, is quite inadequate to maintain the dignity of their respective offices.

"6.—That in 1605, the inhabitants of Guernsey petitioned his majesty in

council to augment the revenue of the bailiff; that this petition was not rejected, though the only answer was that his majesty must first be informed of the state of his revenue in the island, lest he might reduce the allowance of the governor to too low an amount.

"7.—That in 1614, King James the First increased the salary of the bailiff of Jersey to one hundred marks.

"8.—That in 1797, the salaries of the bailiff and principal officers of Jersey were raised to the following sums :—

The lieutenant-bailiff, residing in the island	£300 sterling.
The king's attorney general	100 "
The king's advocate.....	50 "
The greffier, or clerk of the court.....	40 "

The petition then goes on to state that, as both Guernsey and Jersey are subject to the same constitution, laws, and usages, the same principle which regulates the official salaries in the one, ought to apply to the other; that the office of lieutenant-bailiff in Jersey is the same as that of bailiff in Guernsey; and it concludes by praying that his royal highness will extend the same liberality to the petitioner and the principal officers of justice, as his royal father had graciously done to those of Jersey in 1797.

Their lordships were graciously pleased to advise his majesty to grant this petition, and it accordingly was granted, the increased salaries, exactly on the footing of those of Jersey, as enumerated above, to commence on the first day of January, 1814, and to be paid out the crown revenues of the island.

On the 25th of September, 1813, the royal court assembled in a body to take this order of council into consideration, when they unanimously resolved to petition the prince regent to annul that part of the order which gave a salary of £300 to the bailiff; but their petition was rejected, and, as we think, very properly. Unpaid labour is neither just nor politic; why should a civil functionary in Guernsey devote his time to the public without remuneration, when bishops, judges, admirals, and generals receive compensation for their services in every other country? gratuitous services are founded on a bad principle; for, if there is no pay, how can we insure aptitude for the duties or responsibility for their proper discharge?

the court could order *repairs* to be made, they could not originate any *new* work without having obtained the sanction of the states for the expenditure ; and so his majesty in council decided. Sir Samuel Romilly and Edward Allen were counsel for the petitioners, aided by Charles De Jersey, esq., of the Guernsey bar, and now attorney-general of the island : they gave it as their opinion, that the ordinances were illegal ; first, because it is not competent to the royal court of Guernsey to make a new law, or in any manner to change the existing law of the island, or to impose a tax on the inhabitants, without his majesty's royal assent first had and obtained. Secondly, because the royal court has no power, by the constitution of the island, to levy money on the inhabitants by public tax, or otherwise, without their consent, signified by themselves, if a parochial tax, or by their representatives, if a state tax. They adduced the following order in council, dated the 28th of August, 1580, as decisive of the question :—"Whereas they (the inhabitants) complain that there is a greater tax laid upon them by the bailiff and jurats for the tenth of their calves, pullets and lambs than in former times it has been accustomed ; it is ordered that the said taxations, laid upon the inhabitants in lieu of tithes, shall be propounded to the GENERALITY, as in like cases has been accustomed, and after the same being by them allowed, her majesty shall be moved to yield confirmation."

The decision of council in this important case was an immense constitutional triumph, for, had it been adverse to the parishioners, the fortunes of the whole community would have been placed at the mercy of an irresponsible tribunal ; and the general reader will better apprehend the danger to which the people would have been exposed, when we treat of the constitution of the island and the anomalous character of the royal court, consisting of thirteen individuals, who

have contrived to concentrate within their own hands almost all the functions of government.

We have now arrived at a memorable event in the history of Guernsey,—the introduction of *INDIRECT* taxation. We allude to the establishment of an impost of one shilling per gallon on all spirituous liquors imported into, and consumed in the island. In order that the workings of this scheme may be fully exhibited, we shall bring into one statement all that resulted from the new plan from 1814, when the duty was first granted, to 1829, at which latter date the complaints preferred against the states for abusing the grant were definitively heard before council, who completely exonerated the authorities from all charges of malversation or dereliction of duty. It is from the elaborate and triumphant answer of the states to the complaint of three of their members, dated the 10th of April, and transmitted by their lordships' order of the 19th of June, 1829, that we propose to give a condensed history of the rise and progress of the tax on spirituous liquors.

Antecedently to the new roads first projected by Sir John Doyle, nothing had been done by art or science towards the least improvement of the island; nothing for the display of local beauties or advantages had been effected; there was not a road, or even an approach to the town, where two carts could pass abreast; the deep roads, only four feet six inches wide, with a footway of two or three feet, from which nothing but the steep banks on either side could be seen, appeared solely calculated for drains to the waters, which, running over them, rendered them every year deeper and narrower. There was not a vehicle, scarcely a horse kept for hire; no four-wheeled carriages existed; and the traveller, landing in a town of lofty houses, confined and miserably paved streets, from which he could only penetrate into the country by worse roads, left the island in

haste and disgust, and under the most unfavourable impressions.

In 1813, the sea, which had in former times swallowed up large tracts of land, threatened, from the defective state of its banks, to overflow a great extent of different parts of the country. The sum required to avert the danger was estimated at more than ten thousand pounds, which the adjoining parishes, subject to this charge, were unable to raise.

The condition of the finances was not more consolatory; with a debt of £19,137, and an annual charge for interest and ordinary expenses of £2,390, the revenue of three thousand pounds, only left six hundred pounds for unforeseen expenses and improvements. Thus, at the peace, the island possessed but little trade, and a trifling disposeable revenue; there was no attraction for visitors, no inducement to secure the residence of the affluent, and no prospect of employment for the poor. The upper classes emigrated in search of business; the lower, for labour. Misery and depopulation seemed inevitable, from the peace to 1819 inclusive, and more than five hundred native and other British subjects embarked in Guernsey for the United States, while more prepared to follow. It became necessary, therefore, to apply a remedy to this alarming state of affairs.

Under these circumstances it was resolved to introduce the system of indirect taxation, and on petition from the inhabitants, the prince regent, by an order in council of the 23d of July, 1814, was graciously pleased to authorize the states to raise one shilling per gallon on all spirituous liquors consumed in the island for the term of five years. The same duty was renewed for ten years, by virtue of a second order in council of the 19th of June, 1819; but on this occasion the following clause was inserted:—

“That one thousand pounds per annum of the produce of the said duty be applied solely to the liquidation of the present debt, together with such surplus as shall remain out of the produce of the tax, in any year, after defraying the expenses

of roads and embankments, and unforeseen contingencies. And that the states of the island do not, in any case, exceed the amount of their annual income, without the consent previously obtained of his royal highness in council; and the said states are hereby directed to return, annually to the privy council, an account of the produce and application of the said tax."

In 1825, the lieutenant-governor, Sir John Colborne,* and the states, having extended their views to the erection of a new college and other important works, which could not be undertaken without the assurance of a renewal of the duty, constituting the chief part of the revenue, a third order in council, of the 30th of September, 1825, conceded to the states the right of levying the same for fifteen years, beginning on the 1st of September, 1829. It must here be specially observed, that the condition annexed to the second order, did not apply to this third. The collegiate institution, bestowed on the island by Queen Elizabeth, had for several years previously fallen into disuse, and the mastership became a perfect sinecure. The erection of the present college was commenced in 1826; but it is much to be regretted that it was built on a scale of magnitude so little commensurate with the wants and means of the island, as its maintenance is now a great drain on the insular revenues.

The monies thus placed at the disposal of the states were expended on objects of the greatest importance. £14,681 19s. were laid out on paved slips, or avenues to the beaches, to enable the farmers to draw *vraic* or sea-weed to their land, where it is used for manure, and from £5,000 to £6,000 were appropriated to the construction of a breakwater for the defence of the houses on the Glatney Esplanade. In addition to the sums contributed by government towards the military roads, about thirty thousand pounds were expended by the states on roads, superseding the old ones which were scarcely passable; these amounted to fifty-one miles of roads of the first class, as good as

* Created in 1840 Baron Seaton, for his services in Canada. This distinguished officer was highly esteemed and respected during his residence in Guernsey.

those in England, with excellent foot paths on all of them, and seventeen miles of the second class. The main harbour of the town, the piers, buoys, and sea-marks were ameliorated at considerable expense, and in order to facilitate the exportation of granite from the north of the island, the harbour of St. Sampson's was secured and rendered convenient by a new breakwater and quay. High-street, the principal thoroughfare of the town, was widened, by pulling down projecting houses; sewers were constructed, and pavements laid down; public markets were built, and new Fountain-street erected. The court-house and the record-office were enlarged, and the splendid structure of Elizabeth College completed. In short, it may be said with truth, and without the least exaggeration, that wonders were performed in a short space of time, with very trifling means, by the levy of a tax which no individual felt; the money expended was a fund of wages, and created a fixed and permanent capital in the shape of useful, lucrative, and sanitary improvement, which must prove a lasting benefit to the island. Every landed estate has been augmented in value by the facility of procuring manure, and the cheapness and rapidity with which farm produce can be conveyed to the town; while the town itself has become a fashionable resort for visitors during the summer months, whose numbers are annually increasing.

However, though these great improvements had been effected, and still remain for the comfort of the inhabitants and the admiration of strangers, three of the jurats disapproved of the expenditure; these were Mr. Josias Le Marchant; and Messrs. James Carey and John Le Marchant, members of the committee of finance. They lodged a complaint at council against the states, and the gist of their argument was, that the clause in the second order of council, dated the 19th of June, 1819, had been violated by the states.

The answer to this charge, we shall give in the very language of the reply to the privy council, for we could add nothing to its fulness or clearness:—

"The words of the second order in council have already been cited. The right of levying the duty on spirituous liquors is granted for ten years; a condition is annexed, purporting that the states shall not exceed their annual income, and, on the contrary, that out of the produce of the duty, one thousand pounds shall be applied annually to the extinction of the debt; that condition is naturally in force for the same period, and for the same period only, as the grant to which it is annexed; it is necessarily so limited, because the means by which it is to be fulfilled, the produce of the duty, cease at the end of ten years, for which the duty is granted.

"The states are bound to prove that they have complied with the conditions of that order; they did so comply, when wishing to erect a new market, they applied for and obtained the order of the 20th of October, 1820, which imposed on them, at their own request, the further obligation of an annual payment of four hundred and fifty pounds for ten years.

"This sum began to be paid in 1822, and has been paid for eight years, during which the obligation amounted to..... £3,600 0 0
The former obligation amounts, for the ten years now elapsed, to.. 10,000 0 0

Total amount of two obligations imposed £13,600 0 0

The debt, at the commencement of the ten years elapsed, amount- } £43,668 15 2
ed in rents and money, including the cost of the market, to. }
The debt, rents and market included, has been reduced to 27,740 0 0

Total amount actually applied to the payment of the debt. £15,928 15 2

"The conditions of the second order in council have thus been more than fulfilled, by the application of £2,328 15s. 2d. to the payment of the debt over and above the obligations imposed. Those conditions, incidentally introduced in the second order, do not in any way form a part of the third order now in force."

This clear and satisfactory statement induced their lordships in council to dismiss the complaint, and the justice of their decision was admitted by all the inhabitants, excepting the three gentlemen who preferred the charge against the states; but they met with no sympathy or support from any quarter. The impost on spirituous liquors still continues; it will expire in 1844, but no doubt can be entertained of its renewal; it has already changed the face of the island; however, though the work done will not have to be done again, many improvements are still required, and a fund is always necessary to meet the contingent damage occasioned by storms to the coast embankments against the sea.

Guernsey enjoys the privilege of being a free port, and to that circumstance its remarkable prosperity must in great measure be attributed. This advantage was not duly appreciated by all the inhabitants, for, in 1820, a petition was presented to Sir Peter De Havilland, bailiff, requiring the states to impose a tax on all French vessels arriving in the harbour, equal in amount to the tax paid by English vessels in France. That magistrate refused to submit this proposition to the legislature, and the same application was renewed in 1824, under the presidency of Daniel De Lisle Brock, esq. The petitioners stated that formerly, in time of peace, the coasting trade between the island and France was carried on by Guernsey vessels, but that now the reverse had taken place, foreigners having reaped all the advantage of the traffic; that some years since, the island of Jersey, with the sanction of his majesty in council, had adopted the law proposed by the petitioners; and further, that parliament had passed an act, authorizing his majesty to levy duties on all foreign vessels arriving in the ports of Great Britain and Ireland, and in all other his majesty's dominions, proportioned to those which the English paid in foreign countries. They then proceeded to state, in support of their argument, that in consideration of British vessels paying in France four francs twelve centimes per ton, French vessels should pay, in England, from and after the 10th of March, 1824, three shillings and six pence per ton. The petitioners concluded by observing, that if Guernsey were not included in this regulation, it was because the government paid the states the compliment of originating a similar measure, but that nevertheless they were bound to follow the foreign policy of the mother country.

On the 26th of May, 1824, Mr. Brock answered this petition, advising the petitioners to abandon it, but promising to submit it to the states, should they

still persist in their resolution. We shall condense the substance of his arguments. He showed the folly of instituting any comparison between a large country, such as France, and a small island, such as Guernsey, and pointed out the evils of excluding French manufactures, which would be the necessary result, if the doctrine of reciprocity were acted upon to its legitimate extent. In allusion to a remark that had been made, "that Guernsey ought to follow the example of all civilized countries," the bailiff said, that it reminded him of the traveller, who, seeing a man hanging on a gallows, congratulated himself on having reached a civilized country. Far from following the example recommended, Mr. Brock told the petitioners that Guernsey knew not, and he hoped never would know, duties, prohibitions, custom-houses, and the innumerable restraints on commerce which ignorance, jealousy, and fiscal rapacity had everywhere established; nor would she copy from her neighbours, their scaffolds, their sanguinary and exclusive codes, their intolerance, or their international antipathies.

Having thus touched on general principles, the bailiff pointed out their application to the measure proposed. The object was to levy a duty of three shillings and six pence per ton on all French vessels which arrived in the island; these vessels then paid two shillings per ton on entry, and two shillings per ton on sailing; but they only paid those two shillings on the number of tons they loaded and unloaded; whereas in France and England, the tonnage was paid on the whole measurement of the vessel, so that if a vessel of two hundred tons only discharged ten, it paid the same amount as if it discharged two hundred. Suppose a case, which often happens; a French vessel, laden with salt, remains in Guernsey eight or ten days to sell what quantity it can during that time; let it sell ten tons; would it be just, would it be politic, to levy the duties on two hundred tons, because

that was the measurement of the vessel? and is it not obvious that, at two shillings per ton, these duties would exceed the value of the ten tons of salt sold?

The same reasoning applies to goods in *entrepôt*, a branch of trade which has always been beneficial to the island. Many articles from England, Holland, and Germany, suit French speculations to India, Africa, and America. Vessels of three hundred tons might take twenty tons of these commodities, and leave their money for the duties levied on the quantity they took on board, for anchorage, pilotage, and a number of other objects of speculation or necessity for such a voyage; but if the duties were exacted on the three hundred tons, instead of on twenty tons, the whole of this trade would be lost.

These arguments, however, produced no effect on the short-sighted obstinacy of the country douzaines; they persisted in their demands; their petition was accordingly submitted to the states, and very properly negatived.

The system of taxation which obtains in Guernsey, is peculiar to the island; its nature cannot be better explained than by stating the arguments of the appellants and respondents before council in the celebrated case of Carré-William Tupper, esq., and others *versus* the constables of the town parish.

The appellants were sentenced to pay their proportion of parochial taxes, estimated on their funded property, by a judgment of the royal court, of the 23d February, 1833, which judgment was based on a local ordinance, passed on the 30th of April, 1821. The appellants contended before the judicial committee that the above-named ordinance was illegal and inoperative, for want of the sanction of his majesty in council, and also as being an act beyond the jurisdiction of the royal court; they further maintained that there was no law in the island of Guernsey, autho-

rising the taxation of property in the British and foreign funds.

The respondents answered that the judgment of the royal court of the island of Guernsey, of the 23d of February, 1823, was conformable to the ancient law and custom of the bailiwick; and also, even supposing (which they denied) that the present mode of taxing and rating required modification, they maintained that the law could not be altered or modified by any party called upon to decide judicially, but that such change or modification must be made by applying to the proper insular authorities in the first instance, and in the event of redress not being obtained, by afterwards petitioning his majesty in council.

The case drawn up for the appellants was feeble in argument, and, indeed, in some essential points, it subverted their own position. The interpretation given to the words *law*, *custom*, and *ordinance* was loose and confused. They quoted an answer transmitted by the royal court to the privy council, dated the 10th of January, 1737, to the following effect:—

"My lords, we never pretended to be vested with the power and authority of making laws, and it is what neither we, nor our predecessors before us, ever assumed; but we beg leave to acquaint your lordships, that this court has always, as well by the nature of our constitution as by virtue of sundry charters from the crown and other express orders of council, deemed itself authorized and empowered to make regulations, and set down such rules and methods, as were necessary for enforcing and putting in due execution the laws of the island."

We cannot see how this quotation could serve the cause of the appellants; for the ordinance of 1821 was not a new law, in the proper sense of the phrase, but, as it appears even on the very face of it, merely an act explanatory and declaratory of an ancient usage which had existed from time immemorial. Surely there is an obvious difference between the origination of a fresh edict and the promulgation of a certain form for carrying into effect an established custom! In the nineteenth article of the ordinance of 1821, there occurs the following passage, and,

curiously enough, it was cited by the appellants themselves :—

“The court has judged that, in order to render the mode of taxation uniform in the different parishes, it was necessary to lay down the principle by which the custom of the island has been regulated, and having nothing in view but to follow the ancient custom, has found that it was established, first, that income or revenue was not taxed except it arose from capital; secondly, that capital and effective properties were taxed, although producing no income.”

Hence it clearly follows that the ordinance of 1821 was not a new law, but merely a more lucid interpretation of what had existed from the earliest periods. It does not, therefore, appear that the court, in 1821, acted at all in contradiction to the opinion expressed by the court, in 1737, in their letter to council, for they merely affirmed the usage of the country, and it ought never to be lost sight of that Guernsey is essentially “*pays coutumier*.” Another passage in the appellants’ case appears also to militate against their own views; it is the following :—

“In the reign of King James the First, 1607, Sir Robert Gardiner and Dr. Hussey were sent as commissioners to the island of Guernsey, to inquire into the grievances of the people; and, by their decision and judgment, confirmed by the king in council, upon a complaint brought before them, it is expressly required that all future taxation shall be made according to the ancient privileges, liberties, and customs of the island.”

Surely this very paragraph expressly sanctions the ordinance of 1821, which is based on custom.

The case of the respondents commenced with a brief summary of the constitution of Guernsey, describing the character and prerogatives of the states of election and the states of deliberation. It then proceeded to show that the royal court have had a right, from time immemorial, to enact local ordinances; and here the distinction between a new law and an ordinance is clearly set forth in the following terms :—

“The royal court has no power to abrogate any old, or create any new, law, that authority being vested in his majesty in council; but the royal court can make any orders or ordinances to enforce the observance of *existing laws*, or to declare what the law and custom of the island are on any particular point, and also for the quiet and good government of the isle. These orders or ordinances are framed and promulgated in the most solemn court of the island, called the court of chief pleas, which is entirely legislative, and is held three times in the

year, at which his majesty's lieutenant-governor may be present, and whereat all the crown vassals do homage to the king.* These ordinances are enacted after the crown lawyers have been heard, without whose conclusions or opinions being stated, no ordinance can be passed. An ordinance binds all the inhabitants. The court, in its judicial capacity, cannot set it aside. On the contrary, it is bound to respect and enforce it, so much so that, from time immemorial, all the public functionaries, from the lieutenant-governor to the assistant-constables inclusive, on admission to office, swear they will observe the ordinances of the royal court, and cause them to be observed. No appeal is admitted from any ordinance."

The truth of this statement is proved by various documents referred to in the appendix to the respondents' case, such as an extract from the commission of the 11th of March, in the 6th of Elizabeth; an extract from an order in council of 1580; an extract from the book called "*Règlemens des Commissaires Royaux*," anno 1607; an extract from the charter of King Charles the Second, in the twentieth year of his reign; and by the form of the oaths taken by the governor, the constables, and the assistant-constables. These documents completely invalidate the first position maintained by the appellants; to wit, "that the ordinance of 1821 was illegal and inoperative, both for want of the sanction of his majesty in council, and as being an act beyond the jurisdiction of the court of Guernsey." For it is clear, that the court of chief pleas, not certainly the judicial court, have enjoyed the privilege of making ordinances, not in the character of purely new laws, but in the character of acts explanatory and confirmatory of old laws, based on usage. The question was thus narrowed into a small compass, and the only remaining point to be decided was this:—Is the ordinance of 1821 in accordance with ancient custom, or is it not? If the affirmative be proved, the appellants were wrong; if the negative be established, then they were right.

The respondents next proceeded to explain to their lordships the three following points:—First, the de-

* In the court of chief pleas, all the constables attend, under a penalty, so that the whole island is represented, and no judicial business whatever is transacted. The "*cour de chef plaids*" is, therefore, a totally distinct body from the "*cour judiciaire*." Our readers must understand that this is the *theory* of the constitution, for the attendance of the crown vassals is now wholly nominal, so that, in fact, *mutato nomine*, the efficient power of making ordinances rests with the same men who pronounce on them judicially.

scription of property taxed or rated in Guernsey. Second, the character of a STATES tax. Third, the character of a parochial tax. In reference to the first point, they stated, "that all parochial wants in Guernsey are supplied by a property tax, contra-distinguished from an income tax. The inhabitants are not rated at so many pounds sterling, but at so many quarters of wheat rent, each quarter at present supposed to be worth about £20; thus, a parishioner worth a capital of £400 would be rated at twenty quarters. That, from time immemorial, all taxes for parochial purposes had been raised on all property, real and personal, wheresoever situate, belonging to persons dwelling in the island; but in the year 1736, real property was excepted by a decision of their lordships, to which allusion will presently be made. Taxes or rates have since that time been levied on all property, both real and personal, within the island, and on all personal property in England, as well as on real and personal property in other countries than England, belonging to persons dwelling in the island."

The respondents next gave the following explanation of a STATES tax:—"The STATES tax is raised on all the inhabitants, for objects in which the whole island is interested, such as fortifications, sea-lines, repairing the arms of the militia, public roads, watch houses, and others of a like nature. States taxes have been, time out of mind, paid; one-third by the parish of St. Peter-Port, and the remaining two-thirds by the nine country parishes, according to a rule or rate, settled in times so ancient that its origin cannot be discovered, and which is as follows:—

The town pays.....	One-third.	St. Saviour.....	One-ninth.
St. Sampson.....	One-thirteenth.	Torteval.....	One-thirteenth.
The Vale.....	One-thirteenth.	The Forest.....	One-twenty-fifth.
The Câtél.....	One-ninth.	St. Martin.....	One-eleventh.
St. Peter-in-the-Wood.....	One-ninth.	St. Andrew.....	One-sixteenth."

The following statement explains the nature of a parochial tax:—"The parochial tax is that raised for

parochial purposes ONLY, and which purposes, in the town parish, may be comprised under the following heads. First,—The hospital or work-house. Second,—The *pauvres honteux* (i. e. the out-door poor) who only require temporary relief, and are assisted at their houses by parochial officers, called *collecteurs des pauvres*. Third,—Strangers requiring relief; maintaining the public lamps and pumps; paying the corn rents due by the town; public ameliorations in the town parish; the salary of the surgeons who attend the poor in the hospital and other contingent wants. The amount of property at which persons are rated is settled in each parish by the parishioners themselves, and consequently is not uniform throughout the island. In the town, each person possessed of ten quarters, equal to £200 in money; in Torteval, of five quarters; in the Câtél, of six quarters; and in St. Andrew, of seven quarters, is assessed to the rates."

Having thus exhibited a general outline of the system of taxation adopted in Guernsey from time immemorial, the respondents advert to the case of Mr. Stephens, who appealed to council, in 1736, against a decree of the royal court, which sentenced him to pay taxes on his inheritance situate in London. The privy council granted him the prayer of his petition, and ordered, "That the royal court do inquire and ascertain how much the appellant is taxed by the assessment in question, in respect of any houses, lands, or other *real* or *immoveable* estate, lying in England, and do cause a proportionable deduction to be made out of the sum assessed." The appellants relied on this precedent, but it clearly was not applicable to this case, for Stephens was exempted, because his property was real and immoveable; but money in the funds cannot be included in that definition. Indeed, the precedent of Stephens was against the appellants, for, as the respondents justly remarked, "It is proved by the order, that the petitioner, Ste-

phens, offered to pay his proportion of all taxes legally raised, according to his proportion, for all his inheritance in the island of Guernsey, and for his personal estate *there and every where else* ; so that the difference in question was only whether, according to the plaintiff's demand, the petitioner ought to pay to the poor in the parish of St. Peter-Port, in Guernsey, in respect to his inheritance, situate in London." The true reason why Stephens was exempted from paying parochial taxes in Guernsey on his real estate in London was, because such real estate paid poor rates in the parish in London where it was situate, and it would have been an injustice to make him pay twice out of the same property ; but this constituted no argument for the appellants, who did not contribute out of their British funds one farthing towards the maintenance of the British poor.

The respondents next alluded to a petition presented to the royal court, dated the 16th of October, 1756, from the nine country parishes, praying for an alteration in the then existing mode of taxation. That petition stated " that the inhabitants of the said parishes have been for a long time wronged and overcharged, when public taxes are levied on the inhabitants of this said island ; that when the rates of the island were founded and established, they were to all appearance in accordance with that equity and justice which should invariably be the rule of all states and communities ; that the inhabitants of this island should be regarded as one body, when it is necessary to levy taxes, and consequently each inhabitant should pay his just proportion of public expenses ; that by rating each inhabitant according to the property he may possess when the tax is raised, justice would be done to all ; that the town and parish of St. Peter-Port, which at present is only rated at one-third of the public taxes, should be at least rated at two-thirds of the same ; that the said country parishes of this said

island, which pay two-thirds of the said taxes, are not at present in a condition to pay one-third of the same. The premises considered, your petitioners humbly pray the court to change and rectify the said rates, in order that the country parishes of this island may not hereafter pay more than their just proportion of the public taxes, which shall be levied on all the inhabitants."

This petition was taken into consideration by the court, on the 21st of April, 1757, and it was decreed "that the court, having taken into consideration the petition of the representatives of the country parishes, and after hearing the opinions of the king's officers thereon, find that the end thereof tends to change an ancient custom practised and used in this island from time immemorial."

The case was afterwards taken before council, and among other points depended upon by the respondents of that day, was an affidavit of thirteen individuals and douzeniers, who (*inter alia*) made oath; "that it is now, and always has been, time out of mind, to the utmost of deponents' knowledge, belief, and remembrance, the constant rule and practice, in levying and raising the taxes of the said parish, to tax the inhabitants thereof for whatever sums of money they have in the public funds in England, and also their stock in trade at home and abroad. That they have always and constantly taxed all houses, magazines, and gardens in the said parish (many of which are taxed at very high rates), although the proprietors of those houses reap no benefit or advantage by them besides their living in them, and that they have always taxed those houses, magazines, and gardens at their full value or thereabouts, and that, during the present war, when any privateers belonging to this town brought in a considerable prize, the owners of those privateers were taxed, on the immediate succeeding tax that was raised after those prizes were brought

into the island, for the share and interest they had in such prize, and according to the common valuation made of such prize, although the said owners did not, and could not realize or receive the amount of their interest in the said prize, till many months afterwards."

This case, however, was never finally adjudicated, for the lords of the council did no more than direct the states to draw up such a scheme of taxation on all estates and properties as they might think just. This order of their lordships was discussed by the insular authorities, but the majority being of opinion that no modification of the old plan could be beneficially adopted, the whole matter fell to the ground.

The appellants referred to this petition of the nine country parishes and the rejection of it by the royal court, and they drew inferences from both these facts, which do not seem to be warranted. It is here to be remarked, in the first place, that the petition alludes to *public taxes*, by which must be understood *STATES*, and not *PAROCHIAL*, taxes; this is evident from the spirit and object of the petition itself, for, as it has been shown, parochial taxes are levied in each parish; whereas the practice of rating St. Peter-Port at one-third, and the nine country parishes at two-thirds, only relates to states taxes. Now, it was of *this proportion* that the country parishes complained, and of nothing else, and certainly they had no intention to exempt funded property, for, by so doing, they would have increased the weight of their own burthens. Besides, there is no analogy whatever between the two cases, for Mr. Tupper and his associates appealed against a *parochial* tax, while the complaint of 1756 was against the *pro rata* of a state tax.

No further complaints of the local system of taxation appear to have arisen from the date of the petition of the nine country parishes till the conclusion of the late war, when the subject was again brought forward.

At that time a difference of opinion arose as to whether foreign funds should be rated at their nominal or real value ; that is to say, whether an income of five pounds per annum in those funds should be rated at five quarters, or at the number of quarters, of twenty pounds sterling each, which such funds, if sold, would purchase. On the 25th of March, 1819, the manner in which taxes were to be raised, whether on *capital* or *income*, was discussed ; the majority of the town douzaine appearing to think they should be levied on income, and many parishioners on capital, the court directed the parish to be consulted, and required the douzaine to report the parochial decision to the court. The parish met in consequence, and decided that taxes were to be raised on *capital*, and not on *income*, and a report thereof was made to the court, by the douzaine, on the 21st of April, who, in order to obtain more ample information before any thing was determined upon, ordered that the old douzeniers of the parish should be heard as to the custom on this point, and named eight ancient douzeniers, who had obtained their discharge, for that purpose. Those gentlemen were heard on the 10th of February, 1820, when the court decreed, "That the custom, up to this time, appearing to have been to tax funds, as well British as foreign, on their respective incomes, and not on their capital, they should be so rated for the present ; and the court has been of opinion that a general regulation on the mode of taxation in this island for the time to come, which should embrace every case, is necessary."

A committee was appointed to report on the petition of the constables and douzeniers of the town parish, and they, after some remarks on the question of settlement, which are foreign to our present subject, made the following observations on the system of taxation :—

"It now remains for your committee to advert to the mode of taxation, and to the principles which it has thought right to adopt on this subject. On a question that arose some time since in the town douzaine, the court took measures to

obtain all the information possible. It ascertained, in the first place, that it was the wish of the parish that *property*, and not *income*, should be taxed. It then ordered that all the old douzeniers out of office should be heard, and it appeared, from their declarations, that the income of money in the public funds had been taxed according to the amount of quarters of annual rent which that income represented, so that it had become a practice to regulate, from time to time, the number of quarters which thirty pounds, interest of money in the public funds, represented, because those funds being all, or nearly so, English funds, the difference from one to the other could never be considerable; but it further appeared from the declarations of those gentlemen, that it had always been customary to tax houses, stores, and land, though untenanted and unoccupied, together with all stock, plate, household furniture, and generally every description of property, though producing no income; but that incomes arising from industry, the church, the army, public situations, pensions—in a word, all incomes not arising from some property, had never been taxed.

"It appears then certain," continues the report, "1st.—That no income is ever taxed, unless it be founded on some capital, or on some other effective property. 2dly.—That capital, and other effective property, is taxed, though it may yield no income. From all this, (though there may have been some exceptions to the general rule, and indeed it is difficult to frame any rule that shall have no exception,) one can hardly refuse acknowledging the evidence which is presented in favour of the general principle of our custom, or doubt that the real value of property of every description has alone formed the basis on which taxes have been levied in this island. It remains then but to determine what is the most equitable method of assessing taxes on that property; and in order to do this, it may be proper to suppose certain ordinary cases, which have hitherto appeared to be attended with the greatest difficulty. Let us then suppose the case of four brothers, who each inherit one hundred quarters annually from their father. The first satisfies himself with receiving his hundred quarters annually at his door. The second disposes of his, and purchases English funds, which yield him four per cent. The third also disposes of his, and purchases foreign funds, which yield him eight per cent. The fourth also disposes of his, but places his money in a trade, the profits of which yield him twelve per cent. Why should these four brothers, who begin life with the same fortune, be differently taxed? Why should the tax of one be double that of the other? You have never dreamt of taxing the one who embarks his money in trade more heavily than him who receives his hundred quarters annually at his door, because, you will say, of the risk attending trade? But is not an investment in foreign funds, which yields double interest, a species of trade? If these funds were free from risk, would not every person invest his money in them? And of what import to society are the purposes to which each individual chooses to apply his capital? or why should society fetter the employment of that capital by taxing one brother at two hundred quarters, whilst each of the three others is taxed but at one hundred? If but one brother out of four chooses to risk his money in foreign funds, are not the chances three to one that he, whose tax you would thus double, makes the worst choice? Wait until some of them have gained and accumulated, and you will then tax them for such gain or accumulation of property, but whilst it is doubtful which of the four brothers has acted wisely, do not tax one more heavily than the other. Let then the value of the whole property of each individual be estimated, and let that of the quarter of wheat rent be also fixed; the number of quarters represented by such will be the amount of each person's tax. Such is, what appears to your committee, at once the most simple and the most equitable system of taxation."

At the chief pleas held after Easter, on the 30th of April, 1821, the court took the report of the committee into consideration, and passed an ordinance declaratory of the ancient law and custom of the island on

settlement and taxation. This ordinance is composed of twenty-four articles, not one of which introduces any new law ; on the contrary, they are all declaratory of the ancient laws and customs of the island, as enforced from time immemorial. The nineteenth article is thus worded :—

"The taxes of this island, for the maintenance of the poor and other wants of the different parishes, are levied upon their inhabitants, whose obligation to pay them is declared in the present ordinance. In regard to the mode of taxation which has heretofore obtained, and to the difference of opinion which has prevailed upon this subject between the parish assembly and the douzaine of the town, and to the application made to the court to make the necessary ordinances therein,—the court has judged, that in order to render taxation uniform throughout the different parishes, it was necessary to define the principle which has governed the custom of the island upon this point ; and, being solely desirous of following the principles of the ancient custom, has found the ancient custom to be : 1st,—Not to tax income which is not founded on capital. 2dly,—To tax capital on all effective property, though it produce no income. The court declares, therefore, conformably to the principles of the ancient custom of the island, that parochial taxes are levied upon the number of quarters of wheat rent, of which each inhabitant is possessed, or which his capital or effective property, of whatsoever nature, (excepting only his real estate in England, in the island of Jersey, and in the adjacent islands of the bailiwick,) may be worth."

It was against a sentence of the court, founded on this ordinance, that the appellants protested ; but the appeal was rejected by the lords of the privy council, and it is said to have cost the appellants nearly £2,000, including £600 paid by them for the costs of the parish, which were taxed at that sum, and yet the parish was a loser by nearly £200 ! The ancient system of taxation was thus confirmed by the supreme authority, and it continues in force to this day. Based on justice, it works admirably, and is a model worthy the imitation of Europe. It places the national burden on the shoulders of those best able to support the weight, and, excepting the trifling duty of one shilling per gallon on spirituous liquors, it is a complete substitute for indirect taxation. It is one of the great safeguards against improvident expenditure, for legislation being in the hands of the richer classes, they take care not to undertake public works unwarranted by the state of the finances. This system, we cordially hope, will speedily be adopted in

England, where every custom-house ought forthwith to be closed.

In March, 1818, Captain N. Dobrée, R.N., a very fine young man, and nephew of the late Lord De Saumarez, was drowned, with three other natives of the Câtel parish, in gallantly attempting to save the crew of a foreign vessel, wrecked on the rocks in front of Cobo bay.

In November, 1825, the Greek brig of war *Cimoni*, on her return from England to Greece, was wrecked on Alderney, whence the crew was conveyed to Guernsey. The nature of their reception will be seen by the following letter from Captain Miaulis, son of the celebrated Greek admiral of that name, to the Greek deputies in London:—

[TRANSLATED FROM THE GREEK.]

"GENTLEMEN.—Being on the point of quitting England, I consider myself obliged by duty to express the sincere gratitude I, my officers, and crew, entertain towards the inhabitants of Guernsey in general, and particularly towards the lieutenant-governor, Sir John Colborne, and the family of Mr. Tupper, resident in that island, for their most generous and benevolent conduct towards us.

"If anything can possibly alleviate the misfortunes of those who are shipwrecked on a foreign coast, far from their native country, unacquainted with the language of the people among whom chance has thrown them, it is the meeting with men of liberality and humanity. Such, we thank heaven, has been our lot; and we can assure the inhabitants of Guernsey, that, whilst we live, their conduct will remain indelibly engraven on our hearts.

"You will oblige me and my officers by giving publicity to this letter. Treatment like that we met with should not remain unrecorded.

"Yours, &c.,

"DEMETRIUS ANDREAS MIAULIS."

The following paragraph also appeared in a Portsmouth newspaper of the 31st of December, 1825:—

"This morning, sailed the *Aurora*, for Hydra, having on board forty of the crew of the Greek brig of war *Cimoni*, lately wrecked on the isle of Alderney, from whence they were taken to Guernsey, where they received the greatest kindness and attention from the lieutenant-governor, Sir John Colborne, and the inhabitants, who, in addition to having provided them with food, clothing, and lodging, whilst on the island, raised for them a most liberal subscription, and gave £5 to each of the crew on their leaving Guernsey. We are requested to state that, for the kindness they have received from the governor and inhabitants of Guernsey, they feel the deepest gratitude, and beg to return their most grateful thanks. It is perhaps impossible to express the high sense they entertain of the kindness they experienced better than in their own words, which were—"The people of Guernsey behaved to us like angels, not like men."

In 1826, Sir John Doyle revisited Guernsey, and was received by the inhabitants with warm demon-

strations of attachment and regard. A public dinner was given to him; and he had the pleasing opportunity of seeing the monumental column at Jerbourg, which had been erected in grateful remembrance of his administration, by the states of the island, during his absence. He died in 1834, in his 78th year.

In 1831, the militia of the Channel Islands was made *royal* by William the Fourth, who, while an officer of the navy, twice visited Guernsey. The following is the "General Militia Order," issued on the occasion:—

"Head-quarters, Guernsey, 6th January, 1831.

"Major-General Ross feels great pleasure in communicating to the militia of Guernsey, Alderney, and Sark, the following letter which he has received from Viscount Melbourne, his majesty's principal secretary of state for the home department, signifying his majesty's commands that that force should be made *royal* from this date.

"The lieutenant-governor begs to congratulate the militia of the islands under his command, on this mark of his majesty's most gracious favour.

(cont.)

"Whitehall, 30th December, 1830.

"SIR,—I have been commanded by the king to signify to you his majesty's pleasure, that the militia of the islands of Guernsey, Alderney, and Sark, should be made *royal*, and assume the distinctions thereof.

"The 6th January next will be the fiftieth anniversary or jubilee of Monsieur De Rullecourt's defeat, and of the capture of himself, and his whole force, after he had made good his landing, and taken possession of the town of St. Helier,* and his majesty is desirous, that that day should be the day fixed upon for making his intentions known to the militia of the islands of Guernsey, Alderney, and Sark.

"I have therefore to desire that you will take care to promulgate his majesty's gracious intentions as regards the militia of Guernsey, Alderney, and Sark, on that day.

"I have the honour to be, sir,

"Your most obedient, humble servant,

"To Major-General Ross, &c., &c."

(Signed)

"MELBOURNE.

While on the subject of the militia, the following act of gallantry deserves to be recorded. During the summer of 1780 or 1781, three French privateers, two brigs and one cutter, with two hundred soldiers on board, were despatched from Cherbourg by the famous General Dumourier, to take the island of Alderney. Under the cover of the night, the privateers came to an anchor within musket shot of the guard-house of the Château à l'Étoc, where they were perceived about two o'clock in the morning, it being at that time moon light. There being very little

* The principal town of Jersey.

wind, the French were attempting to land in Corblet's bay. The militia guard was only composed of four men, namely, John Ozard, Peter Gaudion, William Harris, and another, who, perceiving the object of the invaders, immediately opened a fire upon them, which was so well directed as to kill several of the Frenchmen on board the privateers. There was, at that moment, in Alderney roads, a large English privateer, mounting 18 guns, commanded by Captain Chandler, who, upon hearing the report of the guns from the battery, instantly beat to arms. The weather being very calm, and every thing quiet, the alarm was heard by those on board the French vessels, and, supposing that the whole militia were under arms, as soon as day-light appeared, the privateers weighed anchor, and directed their course towards Cherbourg. In the meantime, Captain Chandler weighed anchor, and pursued the enemy. Having come up with them, he gave them several broadsides, but they succeeded in reaching their port of destination, and Chandler directed his course to Jersey. Thus, by the undaunted courage of four men, the enemy was prevented from landing, and ultimately forced to retire without effecting their purpose.

In October, 1832, the island was visited by a short but very malignant attack of Asiatic cholera, which excited much consternation, and carried off, in a fortnight, about one hundred persons, chiefly in the town of St. Peter-Port, and among the lower classes. A noble subscription of £1,558 1s. 5d. was raised by the inhabitants, and other individuals connected with Guernsey, for the relief of the indigent families of the victims. In Jersey, this dreadful epidemic appeared upwards of two months before it visited Guernsey, the first case occurring on the 6th of August, and it there raged about ten weeks, during which period it attacked seven hundred and eighty-seven persons, and proved fatal to three hundred and forty-one. The

neighbouring islands of Alderney, Sark, Herm, and Jethou, happily escaped the pestilence. The preceding sum was distributed as follows, strangers as well as natives, who died in Guernsey of the cholera, partaking in the benefit:—

Twenty-three widows, so made by the cholera, £10 each.	£230	0	0
Sixty-four orphans, under 16 years of age, invested in the Savings' Bank for their benefit, £10 each	640	0	0
Fifteen orphans, above 16 years of age, £5 each.	75	0	0
Relief to casual sufferers	455	4	6
Balance invested in Guernsey states securities, at 3 p. cent. per annum interest.	157	16	11
	<hr/>		
	£1,558	1	5

In giving this statement, it is proper to add that the prominent features in the Guernsey character are a warm spirit of charity;* strict frugality, occasionally bordering on parsimony; and extreme punctuality of payment: but it is to be regretted that the simple and unostentatious hospitality of the last generation is daily disappearing among the higher classes, who, in imitating the expensive establishments and entertainments of the aristocracy of England, forget that they are quite incompatible with the limited extent and resources of the island, and with those just laws of inheritance which enact an almost equal division of property. A high state of civilization and refinement is not to be desired, if attained by any sacrifice of pecuniary independence, and of that peace of mind which results from it.

In 1832, one of the most ancient and vital privileges of Guernsey,—the right of the inhabitants to be tried in their own local courts,—was placed in peril, it being assailed by no less a character than Lord Chief Justice Tenterden. It would be improper to give any abridgment of so important a question, which involved the extension of the HABEAS CORPUS Act to the Channel Islands; we shall, therefore, go fully into the subject, commencing the narrative of

* Two or three years since, nearly £400 were raised by the inhabitants for the orphan and destitute children of a lieutenant-colonel of engineers, who died in the island, where he had been quartered only a few months, and was a perfect stranger.

facts by the following petition, presented to the house of commons on the 1st of June, 1832 :—

“ A petition of directors of the poor of the parish of St. Pancras, in the county of Middlesex, was presented and read ; setting forth, that, by virtue of an act of parliament passed in the eleventh year of the reign of his late majesty King George the Fourth, intituled ‘ An act to repeal the provisions of certain acts relating to the removal of vagrant and poor persons born in the isles of Guernsey and Jersey, and chargeable to parishes in England, and to make other provisions in lieu thereof,’ a pauper, of the name of James Streep, with his wife and two children, were removed to the island of Guernsey, by virtue of orders of removal granted for that purpose ; that the execution of the said orders was entrusted to one of the proper officers of the parish, who proceeded with the paupers to the island of Guernsey for that purpose, and on the 9th day of July, 1831, he served the same upon the parish officers of the island, and having been required to attend the royal court of the island on the subject, the court refused to recognize the said act of parliament, inasmuch as it had not been registered in the said island, and upon the officer attempting to return home, he was taken into custody on board the packet, and conveyed back to the island, from whence he was not suffered to depart without taking the paupers with him, which he declined to do, and upon his subsequently attempting to quit the island, the paupers were put on board the same vessel, and, as the petitioners have been informed, were landed and left at Southampton ; that the paupers having subsequently returned, and again become chargeable to the parish of St. Pancras, the petitioners apprised his majesty’s secretary of state of the circumstances above detailed, and the result was an order of his majesty in council, directing the said act of parliament to be registered in the courts of the island ; that the petitioners having then procured fresh orders for the removal of the paupers, and also for another pauper belonging to the said island, of the name of William Locker, who had in the mean time become chargeable to the said parish, they were all again removed to the said island by John Capes, one of the beadles of the parish, accompanied by a competent person from the office of the clerk to the petitioners, acquainted with the whole circumstances of the case, and with the law and practice in removals, in order that he might give such assistance and advice as might appear to be necessary ; that the parties arrived in Guernsey on the 14th of December, 1831, and after some difficulty the overseers of the parish of St. Peter-Port and the Vale, to which the paupers were removed, were prevailed upon to receive the orders of removal, and to take the paupers into their charge for that night, but which was only acceded to on the understanding that all parties should attend the royal court the next day, which was to be specially summoned to consider the cases, the officers from St. Pancras agreeing to attend for the purpose of giving any further information relative to the removal ; that, after a lengthened discussion, the court decided that the paupers could not be received, and the said John Capes was called upon, by the constables of the island, for the expenses of maintaining the paupers, or to take them away, and upon the same being objected to, he was informed that neither he nor the person who had accompanied him would be permitted to quit the island, and that if they attempted to do so they would be immediately taken into custody ; that, after some further communication with the constables, it was arranged that they should accept an undertaking from a gentleman residing in the island for payment of any expenses of maintenance until the question could be disposed of by the proper authorities in this country, and upon such an undertaking being given, the person who accompanied the said John Capes was permitted to leave the island, but the authorities refused, and have hitherto refused, to admit the said John Capes to return home ; that the petitioners presented a memorial, setting forth the above facts, to the lords of his majesty’s most honourable privy council, and it appearing the only remedy they had was by a formal appeal, which would be attended with considerable delay and expense, they applied to the lord chief justice of England for a writ of habeas corpus to bring before him the said John

Capes, under the act of parliament, 56 Geo. 3. c. 100, which his lordship was pleased to grant; that the petitioners, having caused such writ to be served on the 24th of March, 1832, upon Thomas Le Retilley, the deputy king's sheriff of the said island, by whom the said John Capes was detained, he refused and neglected to make any return to the writ, upon which the lord chief justice was afterwards pleased to issue his warrant for the apprehension of the said Thomas Le Retilley, and the warrant was accordingly executed on the 7th day of May, 1832, by one of his lordship's tipstuffs, to whom he had specially directed the same, and upon the tipstaff's so executing the warrant, he was himself taken into custody, and having afterwards appeared before the royal court, he was not permitted to bring the said Thomas Le Retilley from the said island. The petitioners, therefore, humbly pray the assistance of the house for procuring the return of the said John Capes to England, and for rendering the said acts of parliament efficient, and that the petitioners may have such relief in the premises as to the house may seem meet."

James Streep and William Locker were born in Guernsey, while their fathers were serving as soldiers in the island during the war, and the parishes, which were thus sought to be charged with their maintenance, refused to receive them on the plea that they had not acquired a legal settlement, the insular laws ruling that the children of strangers, although born in the island, acquire no settlement unless they reside in it till they are of age, such children being, with this exception, chargeable to their fathers' parishes. Indeed, when we mention that upwards of fifty thousand British troops were successively quartered in Guernsey during the French revolutionary wars, that is, in about twenty years, from 1793 to 1814, it must be evident that the maintenance of their necessitous offspring, who were born on the island, would be attended with ruinous consequences to the inhabitants. Of these troops, one regiment, the 4th garrison battalion, was chiefly composed of men with numerous families, and as they were only removed at the termination of the war, many of their children were born in Guernsey. Were the islands compelled at any time to maintain these children, the British government might easily ruin them by sending three or four of these garrison battalions to each; but surely they are entitled to the same exemption as Portsmouth, or Plymouth, or Gibraltar, and other garrisons, which, neither in reason nor equity, can ever be subject to

the maintenance of paupers in cases similar to that which we are now describing. The parochial authorities of Guernsey, in common justice we are bound to state the fact, do, from pure motives of benevolence and humanity, voluntarily take on themselves the maintenance of many widows and children of Irish and other paupers, who die in the island, such widows and children having no legal or accessible place of settlement.

On the arrival of the five paupers in Guernsey, the matter was argued, *by consent*, before the royal court, on the 1st of December, 1831, when judgment was given against John Capes, the beadle of St. Pancras, who had accompanied them, and who moreover, in compliance with an old insular law, was adjudged to maintain the paupers while they remained in the island, and to pay their passage back.

No further steps appear to have been taken in Guernsey in the matter, until March, 1832, when Capes, attempting to leave the island privately, was detained, and required to give bail in £100, that the paupers should not become chargeable to the parishes of St. Peter-Port and the Vale; but on being informed that, if he pledged his word that he would not depart until the point in dispute was settled, the bail would not be exacted, he gave the assurance required.

In the mean time, the parochial authorities of St. Pancras were not inactive. They first applied to the privy council for an *ex-parte* order in their favour, and being unable to obtain it, they next had recourse to the chief justice of England, Lord Tenterden, for a writ of habeas corpus, which was served as stated in the petition; but the royal court immediately interfered on the appearance of the tipstaff, and decided that no return should be made to it, as the Channel Islands were not within the jurisdiction of the courts at Westminster. The lord chief justice, doubtless, represented this *contempt*, or denial, of his authority

to government, and in consequence, by an order in council, bearing date the 11th of June, 1832, the royal court of Guernsey was directed to register "an act passed in the fifty-sixth year of his majesty King George the Third, viz., an act for more effectually securing the liberty of the subject." The bailiff and jurats, however, unanimously resolved to suspend such registry until the result of their representations on the subject was known, and at a meeting of the states convened for the occasion, the bailiff and king's attorney-general were deputed to repair to London to make these representations. A similar order was transmitted for registry at the same time to the royal court of Jersey, and two deputies were also sent from that island to co-operate with those of Guernsey. Soon after their arrival in London, they addressed the following letter to the principal secretary of state for the home department, which we print entire, as it contains an excellent summary of the rights and immunities of the Channel Islands:—

" To Viscount Melbourne, &c., &c., &c.

" My Lord,—The royal courts of Jersey and Guernsey having received an order of his majesty in council to register the acts of parliament relating to the habeas corpus of the 31st Charles II. and 56th George III. ; and having thought it their duty to suspend the registry of those acts until the humble representations of the states of those islands should be heard, the undersigned deputies do now respectfully submit those representations to the consideration of his majesty's government.

" Jersey, Guernsey, and the adjacent islands, are all that remain to England of the ancient duchy of Normandy. They have, from time immemorial, and anterior to the conquest by which they were annexed to the crown, been governed by laws and customs peculiar to themselves, and essentially different from those of England. The jurisdiction of their bailiwicks was, before the kings of the Norman line, as independent as it now is, acknowledging no other court of appeal than the Exchequer, which formed the council of the duke.

" When King John lost his continental possessions, the islands faithfully adhered to his cause, and displayed, in those early ages, that unalterable attachment to their sovereign for which they have since been so eminently distinguished. He, who had sojourned in the islands, was desirous of securing to them, by a solemn compact, the full enjoyments of their rights, and the independence of their jurisdiction. Thus, from the same hand that signed magna charta, the islands hold a charter, freely consented, and not less valid, not less precious to them.

" The royal grants and charters may truly be said to be a recital and a confirmation of rights and privileges long before existing ; to prove this, reference is requested to the extracts inserted in the appendix annexed.

" By the constitution of King John, the royal courts are invested with most

extensive powers, even to the passing and executing sentence of death, without appeal to the crown. They are 'judicare in omnibus casibus in insula emergentibus;' the only three exceptions, 'Treason,' 'False-coining,' and laying violent hands on the bailiff or jurats when in the execution of their judicial duties, prove the extent of the general rule. To the great vassals, as assessors of the bailiffs, King John substituted twelve 'Coronatores Juratos ad Placita et Jura ad Coronam spectantia "custodienda;" and from the courts so constituted, and composed of the bailiff appointed by the king, and of the twelve jurats elected by the people, he enacted that no case should be removed, and that all should there terminate.

"The *Précepte d'Assise* is a remarkable document to the same effect; it is an inquest taken by justices itinerant in 1331, who examined the authorities of the island, and the principal persons in every parish in Guernsey, on oath, and set down the several answers touching the laws, customs, rights, and privileges of the inhabitants; all confirmatory of the orders set down by King John, and of the privilege of the inhabitants not to be compelled to leave the island to plead elsewhere.

"All the royal charters are equally explicit upon these subjects. That of Queen Elizabeth, which recites and confirms former charters, and is again confirmed by Charles the Second, and by James the Second (the latter granted since the passing the habeas corpus act), invests the bailiff and jurats with 'full and 'absolute authority, power and faculty, to have the cognizance, jurisdiction and 'judgment of all sorts of pleas, processes, suits, actions, quarrels, and causes 'arising within the said island, real, personal, mixed, criminal and capital, and 'to proceed in the said islands, and not elsewhere, in hearing and determining the 'same,' except in the three reserved cases. The charters go on to say, 'that no 'inhabitant can be cited or summoned, or forced to leave the island, by any 'writs or process issued by any of our courts of the kingdom of England, to 'appear before any judges, courts, or other officers of justice, out of any of the 'said islands, touching or concerning any thing, dispute, causes, or matters in 'controversy; but that the said inhabitants in general, and each of them in particular, may lawfully, notwithstanding the said writ and processes, remain, reside 'quietly, and abide in those islands, waiting for justice there, without incurring 'any punishment, corporal or pecuniary, by way of fine, mulct, ransom, or forfeiture, by reason of any offence, contempt, or contumacy committed towards us, 'our heirs, and successors,' &c., &c.

"His majesty's most honourable privy council have always proceeded in the same spirit when attempts have been made to infringe this privilege of the inhabitants, as may be seen by the order of 1565, issued upon a report of the attorney and solicitor-general, and upon the advice of the two chief justices, when direction was given by the queen and her council, 'that all suits between the islanders, or 'wherein one of the parties was an islander, for matters arising within the island, 'should be *there* heard and determined, subject to an appeal to his majesty in 'council.'

"The order of the 23d of April, 1630, is to the same purport.

"Hence, my lord, it is manifest, that the original act of habeas corpus would have been, if imposed on the islands, a direct violation of the rights and immunities of the inhabitants, because, contrary to their charters, and the legal decisions grounded thereon, that act vested in the courts of Westminster the power to interfere with the insular jurisdictions, to take from them causes originating in the islands, and to force the inhabitants to plead out of them. But whatever may have been the intention of parliament, that act has never been enforced in Jersey or Guernsey, has never been sent there for registry; nor is there any instance upon record of a single writ sent there for execution. That act has, therefore, been for one hundred and sixty years a dead letter with respect to the islands; and from that circumstance, connected with the fact, that several years after it had passed, King James ratified and confirmed, in the completest manner, all the original rights and privileges now claimed, as if no such act had been on the statute book, the undersigned think themselves warranted in assuming, that the idea of applying its provisions to the islands, if ever entertained, was tacitly abandoned, as being a

manifest injustice, which could only succeed by the triumph of force over right; a principle at variance with the paternal character of King Charles's government in its relations with the Norman isles, whose inhabitants had twice afforded him a secure asylum when exiled from his other dominions.*

"The undersigned having, in their humble opinion, clearly established the right of the island to an independent jurisdiction, subject only to an appeal to his majesty in council, and the privilege of the inhabitants to be in no case obliged to leave the island to plead in any other court, will pray your lordship's attention to the further objections which appear to them equally insurmountable against the extension of the habeas corpus to the islands.

"No greater evil to a community can well be conceived than the uncertainty of the laws and powers to which persons and property are subject, and by which they are to be tried. This evil would be felt in all its force if a cause entered, and perhaps determined in the courts of the islands, could be taken up to the courts of Westminster. Not only the laws and customs, but the forms, and the whole course of proceedings in the islands, differ materially from those in England. It would, therefore, be a great anomaly if the processes taken under the former could be tried and decided under the latter; it would place the people of the islands under the operation of two distinct and contradictory systems of jurisprudence, and give rise to perpetual conflicts between the respective courts, than all which no situation can be imagined more insecure.

"The administration of justice in the islands is cheap, the access to the courts easy, and the process of the simplest form. But, if the habeas corpus be extended there, the necessity of prosecuting a suit in the courts of Westminster would, from the expense and trouble attending it, amount to a denial of justice; as few would incur that expense and trouble in the uncertainty of its being tried in Westminster, or remanded to the islands.

"In addition to the difficulties above stated, the sea that intervenes presents many that are alone sufficient to prevent the extension of the acts in question to the islands. Storms at all times, and the enemy's cruisers in time of war, would frequently offer obstacles of a nature that would leave no means of executing the writs, and always increase the difficulty of bringing up the parties, and still more the witnesses, supposing any were willing to attend.

"If a judge should see fit to issue a writ of habeas corpus cum causâ, the defendant might, though certainly with difficulty, be brought up, and the cause removed to a court appointed; but if no mandate to the other party, if no subpoena to the witnesses would be of any avail, the ends of justice would be defeated.

"When the difference of the laws, customs, practice, and language is considered, if an English judge should be called upon to decide a question that had arisen in the islands, would he not be under the necessity of following the course marked out to him by the court of king's bench in a case cited by Sir Matthew Hale, and give his award in nearly the same words:—'*Et quia negotium prædictum in curiâ hic terminari non potest, eo quod juratores Insulæ prædictæ coram justiciariis hic venire non possunt, nec de jure non debent, nisi secundum consuetudines Insulæ prædictæ; ideo recordum retro traditur Cancellario, ut inde fiat commissio Domini Regis ad negotia prædicta in Insulâ prædictâ audienda et terminanda secundum consuetudinem Insulæ prædictæ.*'

"It should moreover be observed, that the islands are actuated by no repugnance to the principle of the acts of habeas corpus, or any want of consideration for the liberty of the subject. On the contrary, their courts afford to a party under arrest, or whose liberty is any way restrained, a prompt and efficient remedy. Any person, whether a ministerial officer of the court or a police officer, who arrests a party, is bound to produce the body of the prisoner in open court, within forty-eight hours of the capture, or at latest at the first meeting of the court; and if he fail, the party may apply, by petition or otherwise, to the court, who are bound, in either case, to take the matter into immediate consideration, to dis-

* This is only true in respect to Jersey. Guernsey, we have seen, embraced the parliamentary cause.

charge the prisoner, admit him to bail, remand him for further examination, or commit him to take his trial. Moreover, the inhabitants have this further security for their liberty, that they cannot be prosecuted for crime or misdemeanour, but at the suit of the law officers of the crown. The principles of the *habeas corpus* acts are therefore already interwoven with the laws of the islands, and a more simple and less costly remedy is provided for a party aggrieved. Therefore, no just reason can be assigned for depriving the local courts of the guardianship over the liberties of their fellow subjects, when, at the same time, the property, the reputation, the life of the inhabitants are left in their keeping.

"Having thus urged some of the principal reasons against the measure which they are charged to oppose, the undersigned beg leave respectfully to solicit the attention of your lordship and of the other members of his majesty's government to their case; and should any doubt remain on your lordship's mind as to the injustice or expediency of allowing their claim, that their courts may remain, as heretofore, totally independent of the courts of Westminster, and that the inhabitants of the islands may retain the privilege of not being subject to answer out of the said islands in any cause or action arising therein, they trust that your lordship will be pleased to grant them a hearing, before any ulterior steps are taken in the matter.

"We have the honour to be, my lord,

(Signed)

"Your lordship's most humble and obedient servants,	
"JOHN DE VEULLE, bailiff of Jersey,	} Deputies of the island of JERSEY.
"J. W. DUPRÉ, king's advocate,	
"DANIEL DE LISLE BROCK, bailiff of Guernsey,	} Deputies of the island of GUERNSEY.
"CHARLES DE JERSEY, king's procureur,	

"London, 13th August, 1832."

Capes, the beadle, remained at large in Guernsey until the early part of August, when, in conformity with instructions from his employers to that effect, he withdrew the pledge he had given in March, as already mentioned, and refused to give bail that the paupers should not become chargeable to the island, declaring at the same time that he was prepared to abide the consequence. He was therefore committed to gaol, where he remained only four days, from the 3d to the 7th of August.

Two days after his release, on the 9th, and before it was known in London, Mr. Hume, M.P. for Middlesex, who had presented the preceding petition from St. Pancras, having again brought forward the detention of Capes before the house of commons, and expressed an intimation of moving an address to the king for his liberation, was informed by Mr. George Lamb, the under secretary of state for the home department, "that the authorities from Guernsey were then in London, and that they had written to the island for the man's discharge:" on this the matter

dropped. Mr. Lamb, wishing to prevent a prolonged discussion on the subject, as well as, doubtless, perceiving the injustice that was attempted to be done to the Channel Islands, not only in compelling them to maintain paupers who had acquired no legal settlement, but in depriving them of their very dearest privilege,—thus enforcing one wrong by another more cruel,—had previously recommended, in a private interview with the bailiff of Guernsey, that Capes should be immediately released and permitted to leave the island. The beadle embarked for England accordingly, accompanied, however, by the paupers he had brought with him in December, but their maintenance, during a sojourn of about eight months on the island, was not exacted. Although it will be seen from this statement, that the question was got rid of by a species of compromise, and was not finally determined, yet the islands undoubtedly gained their point, as they neither became charged with the paupers, nor acknowledged the dependence of their courts on those of Westminster, nor registered the habeas corpus act when directed to do so by an express order in council.

The memorable corn questions of the year 1821 and 1835 now claim our attention. In 1821, an act of parliament was passed at the instigation of the landed interest, which prohibited the importation of foreign corn into the Channel Islands whenever its entry for consumption was prohibited in the United Kingdom, and the royal court of Guernsey was compelled, after much demur and a long delay, to register this act, the consequences of which would have proved fatal to the prosperity of the island, and caused its depopulation to a great extent, had not the obnoxious clause been repealed the following year through the exertions of Mr. Brock, the bailiff, and Mr. James Carey, jurat, who were deputed by the states to represent them on this vital question.

In 1834, it was generally asserted by the agriculturists in the west of England, that the privilege of importing corn, the growth of the Channel Islands, into the United Kingdom, *free of duty*, had been abused; and Mr. Weston, the collector of the customs at Weymouth, was sent over to investigate the charge; but, on inquiry, he could not substantiate it. By some mistake in including all the corn, native and foreign, exported from Guernsey, not only to England, but to other countries, although the foreign wheat sent to England was cleared in Guernsey, and paid duty in England as such, the commissioners of customs stated in a report to the board of trade, that "it would appear that the quantity of wheat annually exported from Guernsey to the United Kingdom has exceeded the quantity grown in the island by upwards of 2,000 quarters." In consequence of this singularly erroneous statement, Mr. Baring, the president of the board of trade, brought in a bill into parliament, in 1835, to deprive the islands of this, their ancient privilege, and deputies were named by the states to proceed to London to advocate its continuance, the one for Guernsey being Mr. Brock, the bailiff, and the two for Jersey, Colonel Le Couteur, and Mr. Le Breton, the attorney-general. Owing to their remonstrances, a select committee of the house of commons was appointed to inquire into the matter, before whom it was triumphantly proved that Guernsey, in place of exporting 2,000 quarters more than she grew, had only exported, of her own growth, 539 quarters out of 4,595 quarters annually grown! The bill was therefore withdrawn; but it was thought at the time, by many in these islands, that as the privilege excited the jealousy of the landed interest in England, and as it was of so little value to the inhabitants, its voluntary relinquishment would have been the better policy, the original intention of the grant being clearly perverted the moment that the con-

sumption exceeded the production, and that foreign corn was required to replace the native wheat exported. The committee already alluded to published a very long report, dated the 17th of June, 1835, from which we extract the concluding paragraph :—

"Upon a careful consideration of the whole subject, your committee see no reason to believe that the privilege possessed by the Channel Islands, of freely importing their produce into this country, has been made use of to any material extent, as a means of introducing foreign corn; and they feel bound to add, that it is strenuously denied by the deputies from the islands, that it has been thus abused even in the smallest degree, and that their assertion has not been opposed by any direct proof; and your committee are therefore of opinion, that it would not be expedient to abrogate or infringe those privileges which are now enjoyed by the inhabitants of these islands, and which were conferred upon them in consideration of the signal services which, at various periods of our history, they have rendered to the crown and people of this country."

The minutes of evidence were also published with the report, and we give a few of the questions put to Mr. Brock, with his answers :—

"83.—You were in the room when the chairman of the board of customs was examined?—Yes.

"84.—Have you any observations to make to the committee in consequence of that evidence, and that report?—When Mr. Dean* was asked whether the quantity of corn exported from Guernsey exceeded the growth there, he said the impression on his mind was that it had, because the quantity exported from Guernsey was 6,000 and odd quarters, and the quantity grown was only 4,500. Now, Mr. Dean lost sight of his own report: if the committee will be so good as to see in page eight, 6,913 quarters made up in this way—from Guernsey, 539 quarters of their produce, foreign corn, 6,374. Thus, the quantity of 6,913 is made up, by their own report, of 539 only of Guernsey wheat, and 6,374 of foreign wheat. Therefore that exceeds, to be sure, the 4,595 quarters we grow, but by their own account there is only 539 of the Guernsey growth, out of the 4,595 grown. How can any impression or belief of fraud take place when the quantity of exportation bears so small a proportion to the growth? If there was any profit in exporting foreign grain, as Guernsey, it would be carried to some extent; but what would be the possible use of numbers of persons going to swear for 539 quarters, when they could have sworn to 4,595; to the whole we grow? Instead of that, the impression which is really conveyed by Mr. Dean's deposition is that we have exported more than we grew. He still comes back to the same charge which was done away with in the first report. In point of fact, the island of Guernsey, in the five years ending in January, 1834, only exported 539 quarters out of the 4,595 grown.

"85.—What is the annual growth in Guernsey?—All the islands together, say Guernsey, Sark, and other smaller islands, making part of the bailiwick of Guernsey, produce on the average only 4,595 quarters.

"86.—The total annual growth?—Yes; that report was never found fault with; it is a report signed by myself; I had some trouble in making it from the account of tithes received. I wish to impress on the committee all the facts about our exporting more than we grew, for Mr. Dean seemed really to support that charge.

"92.—Has the cultivation of wheat been extending itself in the island of Guernsey?—Quite otherwise; it has been diminishing every year.

"93.—Is this privilege of importing wheat from Guernsey, into this country, one to which great value is attached in that island?—Yes; the value attached to it

* Chairman of the board of customs.

is in being connected with other produce. The present growth of corn is so trifling in Guernsey, the article of corn might not be of very particular importance to the island at this very time, but times may change, and being part of the privileges we have, if that was not respected we should naturally apprehend that similar inroads would be made upon every other article. Cows, fruit, and potatoes, are the chief exportation from Guernsey. Jersey being the larger island, they have a greater interest in keeping up the privileges as to corn than Guernsey may now have; any change would affect the landed interest there very considerably indeed. In Guernsey the farms are small, and uncommonly divided; there are only a few estates of 50 or 60 English acres; we have no estate in Guernsey of more than 70 English acres.

"94.—You mean a farm?—We have no farms; they are all estates, the occupiers being all proprietors."

The following is the conclusion of a long letter, dated the 9th of April, 1835, addressed by Mr. Brock to the Right Honourable Henry Goulburn:—

"It is unfortunately true, that the agricultural interest is depressed. It is wrong, it is ridiculous to ascribe any part of that depression to the Channel Islands. The four islands do not contain twenty-five thousand acres fit for cultivation—meadows, orchards, and gardens included. How can this, with any man of reflection, be held up as an object of jealousy to the landholders, many of whom are owners of estates to a larger extent? Our connexion with England can indeed in no way be injurious to her; her commodities, produce, and manufactures are freely admitted, to an amount exceeding tenfold the value of our produce which she so reluctantly takes in return. The trifling quantity of corn exported from the islands, and which the commissioners of customs cannot make to be more than 2,151 quarters of wheat, and 86½ quarters of barley, annually, *from all the islands*, on the average of five years, is not sufficient to feed one-half, or anything like one-half, of the persons employed in England for the supply of the islands. England trades with no part of the world so advantageously as with the islands in proportion to their extent. The goods exported by her to the islands amount to at least £500,000, while the produce she takes back does not amount to £120,000; must we receive all and send nothing back? Such a system is too barbarous for the nineteenth century, and how it could enter into the thoughts of those specially appointed for the encouragement of trade is inconceivable. Some persons are disposed to account for it by reasons unconnected with trade, and dependent only on local and agricultural prejudices; if so, it is in vain to argue; and all I must say is, that I cannot think it possible that any statesman should be found, in this country, ready to sacrifice the rights and interests of the smallest community, for the purpose of flattering such prejudices, and should venture to do so, because the community injured is weak and helpless.

"Confident in the justice of our cause, and in the honour as well as justice of his majesty's government,
I have, &c.

The political history of Guernsey here closes, and the chapter finds its natural termination. No event worthy of record, in this section of the insular annals, has been omitted down to the commencement of the reign of Victoria. It remains for future historians to continue the narrative, from her accession to the British throne, and the sovereignty of the Channel Islands.

CHAPTER II.

COMMERCIAL HISTORY.

THE commerce of Guernsey, in any way deserving the name, cannot be traced higher than the close of the sixteenth century, as the present south pier was commenced about the year 1580 ; and although the growth of trade and navigation has generally preceded the erection of piers or docks, which have usually arisen from pressing wants, yet neither could long exist without such local accommodation. Agriculture and fishing were the principal occupations of the primitive inhabitants ; growing sufficient produce for their own consumption, they had no need of imports, and not possessing any manufactories, they had nothing to export : hence they lived an almost patriarchal life, having little intercourse with foreign countries, or even with England. But, though thus isolated from the rest of the world, they soon received from the crown various commercial privileges and immunities, securing them from hostile aggression during war, and granting them the free import, from England, of certain articles which, in progress of time, had become necessary for their wants or their convenience. The most remarkable of these concessions was the privilege of neutrality, which remained in force from the reign of Edward the Third to the reign of William and Mary, and of which a detailed account cannot fail to interest the reader.

Edward the Third, when in profound peace with all the powers of Europe, took into his gracious consideration the unhappy fate to which the Channel Islands had been exposed for many preceding centuries from the horrors of war, chiefly caused by their proximity to the French coast. To prevent the recurrence of these calamities, and to ensure peace and tranquillity for the future, the privilege of neutrality was conceded.

The first instance of this convention that we shall produce, is a safe conduct from Louis, the bastard of Bourbon, then admiral of France, in the name of the king, his master, dated Valognes, the 25th February, 1472, and addressed to the vice-admiral commanding at Honfleur. It forbids all the subjects of the king of France, and all those of his allies, to molest, in any manner whatsoever, the inhabitants of Guernsey, either in their persons or their property; or the inhabitants of those islets or rocks depending upon, and adjacent to, Guernsey, such as Sark, Herm, and others which it is practicable to reach at low water, excluding all others, except the parish of the Vale, Lihou, and Castle Cornet; and this order was to be in force till the 15th of April following, when a general safe conduct was promised.

As all other places not named in this preliminary order were excluded from the privilege of neutrality, it is clear that neither Jersey nor Alderney participated in its benefit, which justifies the statement of the learned Camden, who has been unjustly blamed by Falle for confining this first safe conduct to Guernsey and its immediate dependencies. Whether Jersey and Alderney were afterwards included in the general deed which the bastard of Bourbon promised to execute after the 15th of April, we are not able positively to determine; but it is certain that all the Channel Islands are mentioned in several insperimusses of a bull issued by Pope Sixtus the Fourth, which, in

order to give more weight to this privilege, was obtained from his holiness in the tenth year of his pope-dom, in which he anathematizes and excommunicates all persons whomsoever who shall molest, grieve, or disturb the inhabitants of the island, one of which we have seen countersigned under the great seal of England. Some writers have imagined that this papal bull was the origin of the privilege of neutrality, but this is a mistake, as it was not promulgated till eight years after the safe conduct granted by the bastard of Bourbon, or in 1480.

Notwithstanding this papal mandate, and the severe punishment denounced against all who violated the treaty, the inhabitants of the islands were not entirely free from the insults of some of the French. In 1482, Charles, king of France, sent an order to his marshal, admiral, vice-admiral, &c., commanding them to release a Guernsey barque and twenty-five to thirty traders who were on board of it, together with their effects, all of which property had been seized and detained at the port of Lantriguer, forbidding, at the same time, all his subjects, of whatever rank or condition, to hurt or prejudice the inhabitants of the islands, either in their persons or commodities, under the pains and penalties in such cases made and provided. The bull of Pope Sixtus, however, was not formally registered and published in France before the 2d of August, 1486, when it received the royal signature at Senlis.

In 1484, Francis, duke of Brittany, on the supplication of the inhabitants of the Channel Islands, issued an order for the publication of the pope's bull in his province, strengthening its authority by his own personal command. We have an instance of the efficacy of these several orders in a summons addressed by Guy, earl Laval de Montfort and Quentin, viscount of Rennes, lord of Viry de la Roche and Aquigny, governor and lieutenant-general for the king in Brittany, to

the senechal and bailiff of Morlaix. A barque from Guernsey had been captured by a privateer out of Morlaix. The letter of the Earl de Montfort states, that although Guernsey is an appendage of England, she is nevertheless neutral. It then orders the release of the *islanders*, and the restitution of their effects; but the *English* who were on board, and their merchandize, are declared good and lawful prize.

An act of the royal court of Guernsey, dated the 17th of February, 1586, declares that four French vessels have been seized by the governor. By another act of court, dated the 20th of February of the same year, it is declared that the governor releases the two barques from St. Brieux, but refuses to release the two others, because they were laden on Spanish account. By another act of court, dated the 22d of February, it appears that the governor had again seized on the two barques belonging to St. Brieux, whereupon the crown lawyers were ordered to answer for the governor. By another act of court, dated the 23d of the same month, it appears that the crown lawyers replied that they had not advised the governor to seize the barques, and had jurisdiction to plead on his behalf; whereupon the court ordered the sails of the barques to be restored, and pronounced the arrest of the governor null and void. By another act of the court, dated the 24th of February, it appears that the governor prohibited the sheriff from interfering in the matter, and refused to obey the sentence of the court. An act of the court, dated the 25th of February, orders deputies to proceed to his majesty in council, in the name of the island, to obtain redress in this affair. On the 26th of June, 1587, the court received a communication from the lords of the council, which ordered Sir Thomas Leighton, governor, to release all the French vessels, on their giving bail for the Spanish merchandize, and he was further commanded to abstain from any act contrary to the

privileges of the island. Their lordships further stated, that the subjects of foreign princes might trade under a license of the governor. Another order from their lordships, dated the 11th of June, 1587, addressed to the court, commanded the release of a French vessel, with the consent of the admiral. On the 11th of September, 1667, their lordships ordered the release of a French barque, laden on Guernsey account, which was captured on its voyage from France to Guernsey, and carried into Dartmouth.

This privilege of neutrality was confirmed by several of the sovereigns of England. The oldest charter that is preserved entire, which Guernsey holds from the English crown under the great seal, is that of Henry the Sixth, and contains an *Inspeximus* of the charters of Edward the Third, Richard the Second, and Henry the Fourth and Fifth; it begins thus:—

"Henry, by the grace of God, king of England and France, and lord of Ireland; to all those to whom these presents shall come, greeting. We have seen the letters patent of the lord Richard, late king of England, the second after the conquest, made in these words:—Richard, by the grace of God, king of England and France, and lord of Ireland, to all those to whom these letters shall come, greeting: know ye, that we, considering the good behaviour and fidelity which we have found from day to day in our liege and faithful nations and communities of our islands of Guernsey, Jersey, Sark, and Alderney, have, of our special grace, for ourselves and heirs, as far as in us lies, granted to the said nations and communities that they, and their successors, shall for ever be free and acquitted in all our cities, boroughs, markets, and trading towns, fairs, mart towns, and other places and harbours, within our kingdom of England, from all sorts of tolls, exactions, and customs, in the same manner as our faithful and liege are in our kingdom aforesaid; provided, however, that our said nations and communities, and their heirs aforesaid, shall well and faithfully behave themselves towards us, and our heirs aforesaid, for ever."

The charter of Henry the Sixth was confirmed by the parliament in the first year of his reign. It is worthy of observation that the islanders, at the period of which we are now writing, were considered as Norman subjects, and, as such, they enjoyed, previously to this charter of Henry the Sixth, independent rights, liberties, and privileges; the charter of Henry, being sanctioned and confirmed by parliament, admitted them to participate in the immunities of English sub-

jects, which they could not claim *de jure* by virtue of the institutions of Normandy.

The next important document we shall notice was granted by Queen Elizabeth; it begins thus:—

“Elizabeth, by the grace of God, &c. Whereas our loving and faithful liege subjects, the bailiff and jurats of the island of Guernsey, and the other sojourners in, and inhabitants of the said island, as well as of our islands of Alderney and Sark, within the duchy of Normandy, and their predecessors, have, from time immemorial, by virtue of several charters, grants, confirmations, and most ample proofs and certificates of our illustrious progenitors and predecessors, the kings of England and dukes of Normandy, have used, enjoyed, and been in possession of very many rights, jurisdictions, privileges, immunities, liberties, and franchises, freely, quietly, and without any infringement of the same, as well within the kingdom of England, as elsewhere within our dominions and other places under our subjection, on this side of, or beyond, the seas; by the aid and benefits of which grants, the islands and maritime places aforesaid have stood out loyally, and continued unblameably, as well in our own, as in our progenitors' service, and have enjoyed their free commerce with merchants, natives and aliens, as well in time of peace as in time of war; and exercised and executed their duties in giving their decrees, and taking cognizance of all and every cause, quarrel, action, both civil and criminal, and capital pleas, as well as the rights of jurisdiction they were vested with, to take into consideration, hear, discuss, decide, and determine, proceed in the premises, and keep record of their proceedings according to the laws and customs practised of old, and approved in the said islands and other places aforesaid.”

The preceding extract is merely the preamble to the charter of Elizabeth; we have quoted it at length, because it gives a general idea of the rights, immunities, and privileges of Guernsey: but the fifth article of that charter guarantees a privilege so peculiar and so extraordinary that we cannot omit placing it before the reader. It made Guernsey a free and neutral port even in time of war, so much so that an English cruizer could not capture a French vessel, or any enemy's vessel, if she were in the roads or harbour of Guernsey. The fifth article runs thus:—

“And whereas some other privileges, immunities, liberties, and franchises were graciously given, granted, and confirmed from time immemorial by our progenitors and predecessors, formerly kings of England and dukes of Normandy, and others, to the said islanders, and which have been used and observed constantly in the said islands and other maritime places; one whereof is, that in *time of war* the merchants of all nations, whether aliens, friends, or enemies, could and might freely, lawfully, and without danger or punishment, frequent the said islands and maritime places with their ships, merchandise, and goods, as well to avoid storms, as there to conclude or finish their lawful business, come to, resort unto, go to and fro, and frequent the same, and there exercise their free commerce, trade, and traffic, and afterwards securely, and without danger, remain there and depart away from thence, and return unto the same, when they think fit, without any harm,

molestation, or hostility whatsoever to their goods, merchandizes, or persons; and this not only within the said islands and maritime places, and all around the same, but likewise at such places and distances from the island *as the sight of man goes to, or the eye of man reaches*; we, by virtue of our royal authority, do for ourselves, our heirs, and successors, renew, reiterate, confirm, and graciously grant the same immunities, impunity, liberties, and privileges just now mentioned to the said bailiff, jurats, merchants and others, whether they are in *war or amity* with us; and to all other inhabitants, aliens, or sojourners aforesaid in the said island, in as ample form and manner as heretofore they have used and enjoyed the same. In order, therefore, to prevent any violation or infraction of this, our grant, concession, and confirmation, or any thing therein contained in any matter whatsoever, we declare and give this warning, by these presents, to all our officers and subjects, which warning we order to be published in all parts of our kingdom of England, and throughout our realms and dominions under our obedience, wheresoever they lie or are situated: that if any of our said officers or subjects shall be so rash as to presume to transgress these, our strict orders and commands, we order and decree (as far as in us lies) that he shall be severely punished for his audacious contempt of our royal power and disobedience to our laws, and be compelled to make full restitution and satisfaction of all costs, interests, and damages, and be prosecuted by all due process and forms of law for the same."

This famous charter was confirmed by parliament, and all the privileges contained in it and in that of Henry the Sixth were again confirmed in the subsequent charters of James the First and Charles the Second. The privilege of neutrality remained in force till 1689, when it was ordered, by his majesty in council, that all trade should cease with the king's enemies; but there does not appear to have been any intention of curtailing the rights and immunities of the island, the order itself being only suspensive of the neutrality, and temporary, in consequence of treaties concluded with the continental allies of England. But this order did in fact utterly put an end to the neutrality of the Channel Islands, and as it is an important document in the commercial history of Guernsey, we shall give it at length:—

"At the court of Hampton, the 8th of August, 1689; the king, prince George of Denmark, &c. Whereas, on the 30th of May last, his majesty in council was pleased to order that their majesties' proclamation, bearing date the 14th of the same month, for prohibiting the importation of any commodities of the growth or manufacture of France, should be forthwith sent to the bailiff and jurats of the islands of Jersey and Guernsey, who were thereby required to cause the said proclamation, then sent unto them, to be published, and strictly observed and put into execution. His majesty in council is this day pleased to declare that (being at this time strictly obliged in his treaties with his allies and confederates to prohibit in all his dominions all trade and commerce whatsoever with France) he does not think it fit or expedient to dispense with the execution of this said order in this present and extraordinary juncture of time; yet, it is not the intention of

his majesty in any manner whatsoever to revoke or infringe upon any privileges that may have been granted by his royal predecessors to the inhabitants of the said island of Guernsey.

The privilege of neutrality does not seem to have produced any marked effect on the commerce of Guernsey, although Heylin, in his survey, describes St. Peter's-Port, in 1629, "as having a fair and safe peer adjoyning to it for the benefit of their merchants," and he adds in a subsequent page, "upon the notable advantage of this harbour" (meaning the roadstead) "and the conveniency of the peer so near unto it, which is also warranted with six peece of good canon from the town, it is no marvell if the people betake themselves so much unto the trade of merchandise. Nor do they traffick only in small boats between St. Malo and the islands, as those of Jarsey; but are masters of good stout barks, and venture into all these neerer ports of Christendom. The principall commodity which they use to send abroad, are the works and labours of the poorer sort, as wast-cotes, stockins, and other manufactures made of wooll, wherein they are exceeding cunning; of which wooll, to be transported to their island, in a certain proportion, they lately have obtained a licence of our princes. But there accreth a further benefit unto this people, from their harbour than their own traffick, which is the continuall concourse and resort of merchants thither, especially upon the noise or being of a war. For by an antient priviledge of the kings of England, there is with them in a manner a continuall truce; and lawfull it is both for Frenchmen and for others, how hot soever the war be followed in other parts, to repair thither without danger, and here to trade in all security." Notwithstanding this glowing description, the pier must have been so insecure, especially in winter, as the present north arm was not then built, that the stout barques could only have been small vessels, and the trade of Guernsey was evidently confined to the knitting of wool and the

occasional interchange of commodities between the neighbouring ports of England and France. "But foreign ships in time of war, no doubt, availed themselves of its neutrality to take refuge and anchor there; and by the extent of Edward the Third, being a statement of the king's revenues in the island, it is said that foreign vessels, with forty tons and upward, that cast anchor, pay twenty-seven sols tournois, and under forty tons, half that sum. These dues, including some trifling others in the same article, are set down as producing, on the average, one hundred and sixty livres in war time, and nothing in peace. English vessels did not contribute."*

The suspension of the privilege of neutrality by William, though in itself an arbitrary act, far from proving detrimental to the inhabitants, became a great source of wealth, and laid the foundation of their commerce. The enemies of England were the enemies of Guernsey, and the inhabitants fitted out privateers, with which they made war on the mercantile marine of France. So great was their success, that fifteen hundred prizes are said to have been made by Jersey and Guernsey during the reigns of William and Anne. "This number may seem exaggerated, but the prizes were, doubtless, chiefly small French coasters; and we are confirmed in this opinion by a commission, now before us, granted by George, prince of Denmark, lord high admiral, and bearing date the 11th of June, 1702, to Captain Edward Browne, of the ship 'called the *Two Brothers*, of the burthen of about *four* tons, to set forth in warlike manner the said ship called, the *Two Brothers*, under his own command, and therewith, by force of arms, to apprehend, seize, and take the ships, vessels, and goods, belonging to France or Spain,' &c. This *mighty* privateer we presume to have belonged to Jersey, and no doubt, with many others of the same description, was

* Berry, p. 375. From an article contributed by D. De Lisle Brock, esq., balliff of Guernsey.

sent forth to wage war on the enemy's coasting trade."*

The prizes were brought into Guernsey, and the cargoes stored; and thus, for the first time in its annals, the island was enabled to export commodities of high value. English merchants came over to purchase the French goods captured by the privateers, and particularly brandies, which met with a ready sale. When peace was restored, new ideas of trade gradually developed themselves among the inhabitants, who had now acquired some capital. The funding system, commenced by William the Third, gained ground in England, and that money, which the government acquired easily, was spent unsparingly. As a natural consequence, the duties were increased to meet an increased national expenditure, and at every increase the temptation to evade these duties became stronger. The English smuggler resorted to Guernsey for his cargoes of spirits, tobacco, tea, and other highly taxed commodities, for which he found a ready and profitable sale on his own coast; and it cannot be a matter of surprise if the inhabitants were induced to import and keep in store the goods constantly in demand. Wines were also imported in considerable quantities, and matured in excellent vaults, inferior to none in Europe: an equable temperature and genial climate proved so favourable to this operation, that "Bordeaux merchants have been known to say, they would gladly be at the expense of sending their new-priced wines to Guernsey, if, when fit for use, those wines could be readmitted into Bordeaux, where the town and country adjacent are so low and marshy, that under-ground vaults would be under the level of the river, which frequently overflows its banks, and runs into the town, and it would be impossible to keep them dry."†

Before the bonding system was established in Eng-

* F. B. Tupper, esq.

† Berry, p. 277.

land, the capacious vaults of Guernsey were constantly filled with wines, whence the London merchants received them in small parcels. That advantage is now lost, and a lucrative branch of commerce extinguished. It might, however, be revived with profit; for although, under the new system, the payment of the duty is postponed, yet the English merchant may be said to be deprived of the opportunity of speculating on new wines, or profiting to any extent from good and plentiful vintages from the want of good under-ground vaults, the difficulty of getting at the wines, and affording them the necessary care and attention, and by the great expense which would attend their proper treatment. Red wines, and particularly clarets, require to be filled up every month, if new, and to be racked from their lees; but the wine wanted to fill up the waste, or to replace the lees, must pay duty, and that alone is sufficient to give a decided advantage to the foreign, over the English merchant. We have no hesitation in saying that respectable Guernsey wine merchants can compete in any market, both for price and quality; and of this advantage, arising from their peculiar vaults and the facility they possess of daily superintending their wines, they can never fairly be deprived.

Dicey thus wrote in 1750 of the merchants of Guernsey and Jersey, and the commerce of the latter island:

"And, first, without compliment to the inhabitants of *Guernsey*, (or, indeed, *Jersey*, according to the best accounts of both,) it may be asserted as a fact, that no people whatever are more punctual and exact in all their dealings, payments, and methods of accounts.

"This is a known truth, which will, I dare answer, be readily acknowledged by all *English merchants*, or others, who have concern with, or carry on any correspondence to these islands: and that, in general, they are a sober, industrious, frugal people; perfectly well attached to the true interest of the *English* nation, in opposition to all its enemies; and none more indefatigable in their views to extend commerce.

"The inhabitants of *Jersey*, (from the something greater popularity of their island) have some advantages more than those of *Guernsey*, particularly in a considerable branch of trade, of late years greatly augmented, from thence to *Newfoundland*: to which place the *Jersey* people yearly send over several large ships, which from thence proceed into the *Mediterranean* sea, with their lading of fish, call at the markets there, and carry home very advantageous returns to

their owners. In the year 1732 it was remarked, that there went out, on that trade only, twenty-seven good ships, with upwards of two thousand men.

"They have but one constant standing manufacture for exportation, namely; that of knit hose or stockings, (and within these few years, breeches worked in the same manner) of which many thousand pairs are weekly made in that island.—Some have not scrupled to say ten thousand."

Up to the period of the first American war, in 1775, the trade of the island increased but slowly, being chiefly confined to the import of spirits and tobacco, to supply the wants of the English smugglers; and the best proof of the very limited condition of commerce at that period is the fact that the insular shipping then consisted of only four or five square rigged vessels, and a few sloops and cutters. The British government, on several occasions, contemplated the suppression of the illicit trade. In 1709, an order in council was obtained by the island, which repealed former orders, obtained *ex-parte* by the commissioners of customs, tending to establish their officers in the island. In 1717, an authentic act of the states of Guernsey, dated the 6th of March, proves that the lords of the treasury, wishing to establish custom-house officers in the island, judged it necessary to obtain the consent of the states, which were then moved to take the proposal into consideration, and they unanimously rejected it. In 1720 and 1722, other attempts were made by the commissioners of customs; a deputy was sent over by the island, and again prevailed in council. In 1767, an order in council did, for a short time, impose restrictions on the trade of the island, as did another in 1771; but on a representation of their inutility and inexpediency, the government was soon induced to allow them to lie dormant. However, in 1767, the registrar's office, or custom-house, was established in the island.

The British government having, in 1767, agreed with the duke of Athol to pay him a pecuniary compensation for the surrender of the seignorial rights he enjoyed in the Isle of Man, proceeded immediately to establish therein custom-houses and appoint revenue

officers ; but Guernsey and Jersey were treated very differently ; their rights and immunities were forcibly suppressed in violation of the charter of Elizabeth, nor did they receive any equivalent. Then it was that the first fiscal regulations were introduced, and one Major was appointed to the command of a schooner of fourteen guns, a cutter with four guns, four or five boats, and forty men, to discharge the duties of a custom-house. The order in council, introducing this new system, authorized Major and his associates "to visit ships or vessels within the harbours and ports of Guernsey and Jersey, and the adjacent islands ; and to make seizures of ships or goods subject to forfeiture, and with the like powers as the officers already established in those islands are invested with, as far as the same are consistent with the constitution of the said islands, and the provisions of any act of parliament which relates to them." The allusion to "any act of parliament" induced the states to petition council against the registration of the order ; but their remonstrance was disregarded, and they were peremptorily ordered to publish, acknowledge, and register the order, and carry it into due and effectual execution ; and also to administer the oath of office to Major and his coadjutors.

As this order in council completely subverted the ancient commercial privileges of Guernsey, the substance of it merits to be recorded :—

"They (the custom-house officers) are thereby to be permitted freely to go on board, and visit all ships and vessels, as well outward as inward bound. They are to take account of their ladings ; they are to examine, if there be on board any ships bound for Great Britain or Ireland, or any land, island, &c., belonging to, or that shall belong to his majesty, any East India wrought silks, or other East India goods, prohibited to be carried from these islands to Great Britain or Ireland, in order that the same may be seized by the said officers. They are likewise to examine if there be any wool in any ships from Great Britain or Ireland bound to foreign parts ; and to examine if there be on board any ships bound to these islands, any wool other than what is allowed by parliament, or any enumerated plantation goods, or any goods of the produce or manufacture of the East Indies, or other places beyond the Cape of Good Hope, imported from any place but the kingdom of Great Britain, in order that the same may also be seized by the said officers. They are likewise to examine, if there be any corn, or British or Irish linens, arriving from Great Britain, for which the bounty has been, or is to be

paid; or any wine or coals on board such ships which have been entered outwards from Great Britain for the British plantations in America, in order that the same may also be seized by the said officers.

"They are to see that no master or purser of any ship or vessel bound from these islands to any port or place in Great Britain or Ireland is to proceed on his voyage before such master, or purser, shall have entered into bond to his majesty, with one or more sufficient sureties, in the value of the goods, with condition to produce a certificate from the proper officer of the customs of some port of Great Britain and Ireland, that the said goods were there duly landed; and if such certificate be not produced within six months, the bond to be forfeited. They are likewise to see that no master or purser of any ship bound from these islands, taking in any goods for foreign parts, shall proceed on his voyage before such master, or other person, shall have made oath before the bailiff and one jurat, in the presence of the registrar, or other officer acting as such, that such ship and cargo is not bound to Great Britain or Ireland, but to some foreign port, specifying the same, under penalty of fifty pounds. They are to see that no brandies or spirits be imported into, or exported from these islands, in casks less than sixty gallons, or in vessels under fifty tons burden, under pain of being forfeited. The registrar, or any other officer, is to be present at the administration of the oath to the certificates directed to be granted by an act of the third year of his present majesty's reign (it should be the third of George the First), whereby goods of the growth, produce, or manufacture of these islands, are to pass customs free; and the said officer, so present, is to be permitted and authorized to ask proper questions of the persons taking such oath, and to attest the certificates granted by the governor for such goods."*

The object of the British government, in framing this restrictive act, was evidently to protect her own revenue, by putting a check to smuggling; but the scheme was not as successful as had been anticipated. High duties will operate as a bounty and encouragement to illicit trade, and if one opening be stopped, another will soon be discovered. The smuggler, indeed, might adopt as his motto the saying of Bacon, *aut inveniam viam, aut faciam*, I will either find a road, or make one. Thus it happened with the attempt of the British government to secure its revenues by depriving the Channel Islands of their chartered rights, conceded by very many sovereigns, and guaranteed by several acts of parliament. A large share of the illicit trade was transferred to Roscoff, a small village on the coast of Brittany, within a few hours' sail of the island. This insignificant hamlet, for it deserved no higher appellation, immediately became an interesting object to the French government, and it is worthy of observation, that no

* Extracted from the speech of Mr. William Le Marchant, jurat of the royal court of Guernsey.

sooner were the officers of customs established in Guernsey and Jersey, than the question of making Roscoff a free port, or *port d'entrepot*, was discussed in the French councils and immediately agreed to. The edict of the king of France was promulgated on the third day of September, 1769. Its effect was soon felt. Roscoff, till then an unknown and unfrequented port, the resort only of a few fishermen, rapidly grew into importance, so that from small hovels, it soon possessed commodious houses and large stores, occupied by English, Scotch, Irish, and Guernsey merchants. These, on the one hand, gave every incentive to the British smuggler to resort thither; and, on the other hand, the French government afforded encouragement to the merchants. England added nothing to her revenue, while France was enriched.

The order of 1767, however, was suffered to lie dormant; and during the first American war, and the French revolutionary war, especially the latter, the trade of Guernsey flourished more extensively than at any antecedent period of her history. The island became the principal depository of spirits, eagerly purchased by the smuggler, and so great was the traffic, that many fortunes were realized simply by the manufacture of casks. Such was the excessive import demanded by the illicit trade, that the vaults and stores, numerous and capacious as they were, were totally inadequate for the lodgment of the various supplies. But this commerce was at last prohibited, and as the subject is of the greatest importance in the commercial history of Guernsey, we shall place on record the whole proceedings which led to the abolition of smuggling.

With a view to suppress the illicit trade, the British government sent over Mr. Stiles to Guernsey, in the capacity of commissioner, and he opened the proceedings by addressing the following letter, dated

Guernsey, 31st of August, 1800, to William Le Marchant, esq., at that time bailiff:—

"Sir,—Having already had the honour of stating to you, in conversation, the general object of my visit to Guernsey, I now beg leave to acquaint you more particularly, that the fraudulent trade carried on from this island is, in its consequences, so highly detrimental and injurious to the revenue and fair trade of Great Britain, that the lords commissioners of his majesty's treasury feel the necessity of recommending to his majesty in council some measures for the prevention thereof; and, in order that you may form a competent judgment of such measures, I herewith enclose the outline of the principal regulations proposed to be added to those contained in his majesty's order in council, dated the 13th of February, 1767, already registered in the royal court.

"It must be presumed, sir, from your long residence in the island, and from the high station you fill with so much honour to yourself and advantage to the inhabitants, you are well aware that the illicit commerce in question has increased to a very great and alarming extent, in so much so as to affect the interest and lessen the revenue of Great Britain most materially, and that, at a time too, when she is labouring under the pressure of unusual burthens, which have been necessarily imposed for the maintenance of her constitution, her dearest interests, and even her very existence as an independent state, the inhabitants of this island are so highly favoured as to be excused from bearing any of these heavy burthens, and indulged in the consumption of many articles of commerce infinitely cheaper than the inhabitants of Great Britain.

"It is but reasonable to hope that an injury of such magnitude, as the one complained of, need only be pointed out and impartially considered by the inhabitants, who may directly or indirectly be concerned therein, to induce them cheerfully to acquiesce in any measure which government may deem expedient for the suppression of this illicit commerce altogether; but as such measures must necessarily occasion a great alteration in the trade of the island, and may eventually affect a good deal the interest of some of the inhabitants thereof, the conduct of the whole of whom, I am directed by their lordships to observe, has at all times been eminently loyal, they are, therefore, unwilling to decide suddenly on the plan so intended to be submitted. On the contrary, their lordships have been pleased to direct me, in the first instance, to explain the same fully and clearly to the bailiff and jurats, and afterwards through them, or in such manner as they judge most advisable, to the merchants who import foreign articles into the island. And I have it further in command to state that their lordships are inclined to listen to any observations that may be made in consequence of this communication, with a view of admitting any modification that can give facility to the fair trader of the island, consistently with guarding against the clandestine importation of goods into Great Britain; and moreover, that if, in the event of the measures under consideration being adopted, others could be proposed which might be beneficial to the trade of the island, and advantageous to the inhabitants, without being injurious in any material degree to the revenue of Great Britain; these are the several points which I am directed by their lordships openly and candidly to communicate to the royal court, and when they have considered, there can be no doubt but I shall be favoured with its sentiments thereon, in the same explicit manner, to the end that I may be enabled to lay the same before their lordships."

The following is a copy of the document, enclosed in the preceding letter:—

"Smuggling from the islands of Guernsey and Alderney having increased to a very great and alarming extent, and the offenders having, in some instances, committed murder on the revenue officers on the coast of England, government has it in contemplation to put a stop to such growing and serious evils, so highly prejudicial to his majesty's revenue and fair trade; to effect which, it is not only

intended to enforce the several rules, regulations, and restrictions, contained in his majesty's order in council, of the 13th of February, 1767, but to add others for the better carrying the said order into execution. The outlines of these different articles are the following:—

“That the masters of all ships and vessels arriving in the islands, shall be compelled to make a report, upon oath, of their cargoes, previously to landing any part thereof, and, in default, will be liable to certain penalties.

“The masters of all ships and vessels, taking on board any goods in the said islands, will be required to make a report outwards of the contents of their cargoes, and, in failure thereof, will subject themselves to penalties.

“That no ship shall take on board, from the islands, any tobacco, snuff, tea, coffee, or cocoa nuts, on pain of forfeiture thereof, as also the value thereof, except a limited quantity for the use of the crew.

“That no ship or vessel that does not exceed the burthen of one hundred tons, shall take on board any foreign spirituous liquor, on the pain of forfeiture of such ship or vessel; nor shall any such liquor be brought into, or shipped from the islands, in casks or other packages, which shall contain less than one hundred gallons, on forfeiture thereof, as also of the ship.—N.B. No ship of a less burthen, or package of a less size, can now be legally admitted into England, except run from the British plantations.

“That if any foreign spirits shall be found on board any ship or vessel inwards or outwards, bound to or from the said islands, which shall contain less than one hundred gallons, such spirits shall be forfeited, together with such ships or vessels not exceeding the burthen of one hundred tons, except a certain quantity for the use of the crew.

“That in all cases, when any action shall be brought against an officer in the island, for any act done by him in the execution of his duty, as well as in all appeals made by an officer against a sentence of the royal court, in matters relating to informations, prosecutions, or seizures,—the security of such officer alone, in lieu and instead of the security heretofore required, shall be accepted and taken as good and ample security; and in all cases of appeal, the period of fourteen days, heretofore allowed, shall be extended to three months, and such appeals shall be allowed without regard to the value or amount of the seizure.

“That no action shall be brought against an officer for anything done in the execution of his office, until one month after notice in writing shall be delivered to him, stating the cause of action, as well as other particulars relative thereto, and any such officer, tendering amends to the person complaining, (if the same shall be deemed adequate) may plead such tender in bar of the action.

“That on all trials, in the royal court, respecting seizures, the evidence of the officer who made the same shall be received as good and lawful evidence, provided such officer shall previously execute the deed or instrument in writing, realizing and giving up to his majesty all right, title, &c., to any share of the seizures, agreeably to the practice of Great Britain.

“No claim to be admitted to any seizure, unless made in writing, and left with the proper officer of the court, and if not made within a period to be hereafter fixed, the court shall proceed to give judgment and condemnation. Other regulations will also be established respecting security to be given by the claimants for costs of suits.

“That, as certain penalties are inflicted on persons hindering, abusing, beating, and wounding any officers in the execution of their duty (which penalties will be probably extended), the officers themselves shall be authorized and empowered to seize offenders, and carry them before a magistrate.

“The seizures made in Alderney, Sark, &c., shall be presented in the royal court of Guernsey.”

“The foregoing is the substance of the regulations proposed to be added to his majesty's order in council of 1767, and that the whole may be effectually carried into execution, it is intended that proper officers shall be appointed for that purpose, whose power to seize, which is now limited to the harbour and port, will be extended to all bays, roads, creeks, &c., of the islands, and it is likely that, in order

to facilitate prosecutions for seizures and penalties in the royal court, forms of proceedings will be therein established."

When this statement from Mr. Commissioner Stiles was made known to the public, the merchants, alarmed at the prospective annihilation of a trade so beneficial to them, presented the following petition to the bailiff and jurats of the royal court:—

"That they cannot but feel much alarm at the plan proposed to the royal court to suppress the trade of this island,—a plan pregnant with ruin to thousands of industrious inhabitants, who, born to certain privileges, secured and sanctioned in the most solemn manner by royal charters, have carried on the respective trades and callings exercised by their forefathers for many centuries, without any interruption than that which arose from his majesty's order in council of the 13th of February, 1767, which, being forcibly registered, but never enforced, could not be expected to be made the sudden instrument of the ruin of this island, after a lapse of thirty-three years.

"That, sensible of the extreme importance of the revenue of Great Britain at this moment, and how much its increase is connected with the safety of the state, they would content themselves with petitioning humbly for an indulgence calculated to preserve their families from impending ruin, and cheerfully sacrifice their future interests, if hope could be entertained of benefitting the revenue to any considerable extent by the suppression of our trade, and if they were not convinced of the inefficiency of all steps taken here, so long as there remain other ports to resort to.

"That there is more than conjecture to warrant the belief that the trade, when suppressed here, would be transferred to other ports, since there is already one port on the continent more resorted to by smugglers, and from which a trade more extensive and more injurious to the trade of Great Britain is carried on.

"That this trade from the continent can, or cannot, be stopped by regulations from home; if it can, it must be independently of any measure taken by Great Britain, and the same means will produce the same effect on the trade to this island from the continent. The suppression of our trade can only lead to the ruin of a dependant island, and the consequent establishment of a valuable trade in some foreign port, which will rise in wealth and importance in the same proportion as this island shall sink in poverty and insignificance.

"That the wealth gained here reverts to the mother country, and helps to support the public funds, promotes the navigation of the country, and affords, in time of war, the means of fitting out numerous privateers, to the great annoyance of the enemy's trade.

"That, in the other case, all these advantages cease for the mother country, and are thrown with double weight in the scale of a rival country. The payments are made in specie, which never returns; a great accession of wealth, and still greater activity of circulation is infused into the commercial interests of the country.

"In time of war, the capital of the merchants, and the pursuit of the inhabitants of rival countries, with the fast sailing vessels at their disposal, would prove of the greatest injury to the trade of Great Britain.

"That the suppression of the trade of this island would be productive, at all times, of the most fatal consequences to the inhabitants, the effect of which could only be mitigated by previous notice, and by affording to the merchants the means of withdrawing gradually their property from its present channel, and to the labouring class the means of discovering and settling themselves in different habits of industry; but that this sudden interference and suppression of our trade would annihilate large capitals, lower materially the value of goods on hand, and diminish the property of every man in the island to one-half of its value, and reduce thousands of innocent and industrious persons to beggary and ruin.

"They, therefore, humbly pray the bailiff and jurats will take the alarming situation of the inhabitants of the island into their most serious consideration,—that they will use their utmost endeavours to avert the threatened blow, by representing to his majesty, in the most humble and earnest manner, the distress of so many of his faithful subjects, in hope that government will lend a favourable ear to the complaints of a loyal people.

"That, should the plan be finally resolved upon, they further pray that it may be carried into effect with all the indulgence that is due to so many unfortunate persons, that sufficient time may be allowed them to prepare for this change in their situation, and find means to support their existence."

It being deemed expedient to exhibit as bold a front as possible to the government, the people of Jersey were invited to unite with those of Guernsey in opposing the plan communicated by Mr. Stiles; and, in order that the interests of the two islands might be the more clearly identified, Daniel De Lisle Brock, esq., at that time a jurat of the royal court of Guernsey, proceeded to Jersey, and on the 9th of September, 1800, he addressed the following letter to Thomas Pipon, esq., lieutenant-bailiff of that island:—

"Sir,—As I have already had the honour of communicating to you the purpose of my mission to this island, and as you have received the proposals which government has transmitted to both islands through the hands of Mr. Stiles, I shall take the liberty of submitting a few observations on those proposals, more with a view of introducing my wish of obtaining the co-operation of the royal court and states of this island in the measures which it may be necessary to take, and of knowing their sentiments on the nature of the measures to be taken, than with the hope of throwing any new light on the subject, or conveying any degree of information to those who must be every way better qualified than I can be to judge of the proposals, and appreciate their serious importance to both islands.

"Although the losses, inconveniences, and distresses, attendant on the execution of the plan proposed, will be more severely felt in Guernsey than in Jersey, yet the permanent interests of the two islands in the agitation of the question are precisely the same—both of them would be abandoned to their own natural resources, and left with them only to struggle against the disadvantages of a confined and frontier country, exposed with a diminished and disheartened population to the enemy's attacks.

"The order in council of the 13th of February, 1767, being registered in these islands, no opposition can avail against its execution, if finally determined on by government, but as it contains the principal restrictions now in contemplation, it is certainly the duty of the guardians of the privileges and happiness of the inhabitants to use their best efforts to prevent, by humble remonstrance, the enforcement of the said order, which, having been a violation of our ancient rights and charters, and only nominally enforced, would, after a lapse of thirty-three years, produce all the bad effects of sudden innovation on the trade, industry, and customs of the inhabitants.

"To remonstrate against the putting the said order in force, and consequently against the further restrictions and regulations proposed, appears the first step to be taken. As the arguments from the two islands, though acting in concert, and tending to the same end, need not absolutely be the same in every point, yet, from the injury to trade, local situation, certain diminution of population, and probable decrease of zeal and affection to the mother country, they may, in many respects, be drawn up as common to both.

¹¹ But, Jersey, having given rise to none of the motives which have induced government to adopt this measure, stands upon high ground, and may urge the hardships of the restrictions proposed to be put on its trade, although it has never been carried on to the injury of the revenue. At the same time, Guernsey is not without strong argument against the plan proposed, from the great loss, misery, and distress, which threaten the trading and labouring classes, forming a majority of the inhabitants, and from the inefficiency of any plan to suppress smuggling into England, as long as their own interior regulations continue ineffectual, and so long as there remain other ports to which smugglers can, and do resort. But, however necessary it may be to remonstrate in the first instance, and however strong the argument urged against the measure in general, yet, as doubts may be entertained of success, preparations should be made for the event, if government persist in the resolution to put in force the order of 1767; and it will then be equally necessary to act in concert, in order to obtain some modification of the above order, and some compensation and advantages which may be of the greatest benefit to the islands, without interfering with the revenue.

¹² Under this denomination may be classed an application to government for a general permission to import and land all articles from neutral countries, and all such articles from the English colonies as may be re-exported from Great Britain without the payment of duty, with proper restrictions on the exportation which may really prevent the goods from being conveyed fraudulently to Great Britain. What objection can there be to our speculations in tobacco, coffee, cocoa, and many other commodities for the supply of the continent, or for legal entry into Great Britain or Ireland? The mother country having a controul over her colonies, and her revenue gaining some advantage from a great part of their produce, although re-exported, may wish to preserve a monopoly of that part of their trade, and would probably object to our participation at the expense of the revenue; but with respect to all colonial produce which may be re-exported without contributing to the revenue, and all goods from neutral countries, which are of course free to go to any port, there does not appear to be any reason against our enjoying the free introduction of them into these islands, since a restriction in these cases is of no advantage to the revenue, or general interests of the mother country, and serves only to increase the wealth of Hamburg, and other free ports of the continent. Tobacco, for example, is one of the articles most objected to in the importation into these islands, but it is well known that, before the war, very large quantities were exported to France from both islands in a manufactured state, which was a source of employment to great numbers of men, women, and children, and, in many instances, the American merchants have given the preference to these islands for lodging their tobaccos intended to supply the continent on account of their central situation and the advantage experienced by the merchants in paying less charges than at Hamburg, and having the ports always open without the danger or interruption so common to the northern ports. Instead of any prohibition or restriction in the landing of such commodities in these islands, it would be their interest, as well as that of the mother country, if the practice was more encouraged, which it might easily be by rendering the duties on goods, not coming from the country of their growth, somewhat higher when imported into Great Britain from a second foreign port, than when imported from these islands, or other English dependencies. This is actually the case at present with respect to wines, which are lodged in these islands in consequence of that advantage on their importation into England, and if extended to brandies and other goods, would prove of much benefit to our trade, without being detrimental to the revenue.

¹³ One advantage which accrues to Great Britain, from encouraging free ports in these islands, and admitting vessels which would otherwise proceed to Hamburg, or other foreign ports, is not to be overlooked, and arises from those ships taking in a return cargo from the place of delivery, which, from these islands, would more likely be the growth and manufacture of Great Britain, than of any other port.

¹⁴ The exportation from these islands direct to the English colonies and America, without the necessity of landing the goods previously in England, would prove of benefit to our trade, and might be allowed, to a certain extent, and in many cases, without injury to the revenue.

"Having touched thus lightly on the compensation in trade which might be allowed the islands, we have to consider the additions proposed, which are, for the greater part, inadmissible. Not only the little trade left open to the inhabitants would be shackled with fresh impediments, by the establishment of custom-house officers, to whom all ships must report and clear inwards and outwards, but the judicial form and procedure would be completely changed,—the civil authority, transferred, in many cases, into the hands of revenue officers, and converted into mere instruments of their will, would be degraded into insignificance, and unfit to be exercised by men of honour and honesty.

"Let us remark on some of those clauses, and we shall find them truly exceptional, and each of them more subversive of the constitution than the others.

"1.—The term of three years is to be allowed to the officers to seize and prosecute our ships, during which time they are to be kept in suspense, and, perhaps, after changing owners repeatedly, will finally be condemned on account of the death or absence of the exculpatory evidence, whilst our penal ordinances extend their effect for only one year.

"2.—No security is to be required from an officer in any prosecution carried on by him; his personal security is to be deemed sufficient, though he should not be worth six pence. An inhabitant will have to give all satisfaction and security without the means of obtaining the same, when his personal liberty and whole property may be involved in the question.

"3.—An appeal from the royal court to his majesty in council is to be allowed in all cases whatever without regard to the nature of the prosecution, or the amount of the seizures, than which nothing can be conceived more vexatious to the inhabitants. At present, no appeal in penal prosecutions, nor in cases under twenty pounds, in Jersey, and forty pounds, in Guernsey, is allowed. The admission of this change will require the carrying on of all suits, and the judging of them, on written evidence, and documents will be productive of endless expense, delay, and inconvenience, and must finally leave the officer *sole judge* of every question under forty pounds, since no cause so carried can cost the party so little as that sum, and no man will defend a suit which, after all his trouble, can be gained only with loss to himself, whilst the prosecution on the part of the officer is attended with no expense to him, and this, which is true with respect to all cases of at least forty pounds value, is much more evident in such as are only of ten pounds, or five pounds value, or under.

"4.—The above cited changes chiefly affect the *property* of the inhabitants; there is one which leaves their *personal liberty* at the mercy of the officers, who have power themselves to seize offenders, and carry them before a magistrate, for hindering, abusing, beating, and wounding officers in the execution of their duty: at the same time no action can be brought against an officer until one month after notice to him in writing; but he may, of his own authority, seize immediately an inhabitant, and is left to judge what is abuse, or hindering him in the execution of his duty.

"These extracts are sufficient to show the tendency of the regulations proposed, and the extent of the power to be vested in the revenue officers, independently of their being admitted as evidence in their own suit, on making over their share of the seizure or penalties in question.

"No set of men can be entrusted with such powers without being rendered paramount to all authority, and a continual source of vexation and oppression to the inhabitants. Incurring themselves no risk of costs or expenses, the officers may harass any man into acquiescence and submission by the terror of a law suit, which, for five shillings, may be carried from his native tribunal to another out of the island, and out of the reach of nine-tenths of the inhabitants. There never was a period in which the civil authorities stood more in need of the public esteem, confidence, and respect, than the present, and there never was a measure which could tend so effectually to remove those attributes from them, as that now proposed, which would transfer so much power to custom-house officers, and limit the sentences of the court virtually to the condemnation of the accused.

"That the influence of your character, situation, and abilities may be exerted in

judging the best means to avert the execution of the plan proposed; that the royal court and states of this island may be induced to take an active part in preventing it; and that their efforts may be crowned with success, is the prayer of every friend to his king and country, and of no one more than of, sir, yours,

"DANIEL DE LISLE BROCK."

In reply to this letter, the lieutenant-bailiff of Jersey sent the following answer:—

"Sir,—I yesterday laid before the court the letter of Commissioner Stiles, with the substance of the intended regulations for the establishing of custom-houses in these islands. I also communicated to them the letter you were so obliging as to bring me from the bailiff of Guernsey. The court thought it necessary, in a case of this importance, in which the commercial interests, and indeed the welfare of the islands are so greatly concerned, to refer the matter to the consideration of the assembly of the states, whom I have in consequence summoned to meet on Monday next. I beg to express the thanks of the court, as well as my own, for the assistance we derive from the very able and judicious observations you have favoured us with. The forcible and impressive arguments you use, will, we flatter ourselves, have the influence they deserve on the minds of his majesty's ministers.

"*Jersey, Sept. 12, 1800.*"

"Yours, &c.,

THOMAS PIPON.

In conformity with this letter, the states of Jersey were assembled on the 15th of September, 1800, and adopted the following resolutions:—

"The states have been this day convened, in consequence of the receipt of a letter, by the president of this assembly, from William Stiles, esq., in which he communicates the intention of government to establish a custom-house in the island, as well as in Guernsey, accompanying his letter with a document entitled, 'Substance of the regulations proposed to be added to his majesty's order in council, of the 13th of February, 1767, for the more effectual prevention of the illicit trade from Guernsey.' The president informs the states that the said letter, with the regulations thus proposed, has been communicated by him to the royal court, who, after having conferred together, found the subject of so serious a nature, that they deemed it indispensable to submit the whole without delay to the states, as an object of the deepest importance, and interesting to the states generally. After the reading of the said letter, and of the proposed regulations, as well as of a petition on the same subject from the merchants of the island, and other documents which relate to it, it appears that the principal object of the government was to suppress certain frauds committed in some of the neighbouring islands, which had greatly prejudiced the revenues of his majesty. It appears also, that the most honourable testimony is borne to the conduct of the inhabitants of this island, who are exonerated from all participation in this illicit traffic. The states presume to hope that, after having heard their humble representations, government will not deem it necessary to extend the regulations to this island, more especially as they militate directly against the privileges and franchises which their gracious sovereign and his royal predecessors have formerly granted as the reward of their unshaken fidelity; and, moreover, because the introduction of the said regulations would inflict considerable injury on the lawful and profitable trade which the people of Jersey have for a long time carried on. Persuaded that government do not intend to harass the inhabitants of this island by restrictions which no acts have rendered necessary, the states flatter themselves that their statements will meet with a favourable reception at the foot of the throne,—that their conduct and loyalty, and attachment to the best of princes, and the happiest of constitutions, will be accepted as the best guarantees of their future conduct. If the evil complained of existed in this island, the states would hasten to apply a remedy with the same zeal with which they have always been animated for the

good of his majesty's service. Impressed with these sentiments, which are also those of the merchants of the island, and looking at the precautionary measures which the states are resolved to adopt against every species of fraud, they can give assurances morally certain, that no illicit trade shall be carried on in this island to the prejudice of the king's revenue, neither by the natives, nor by others who may establish themselves here. Moreover, the states, desiring to proceed in this affair with all the deliberation and circumspection possible, have thought proper to entrust to a committee the task of reflecting more minutely on this subject,—to examine the ancient charters, and to weigh well the consequences that might result from the introduction of the proposed regulations,—to draw up a humble representation, either to his majesty in council or the lords of the treasury,—to confer on the whole matter with William Stiles, esq.,—and to consider the best means of reconciling the views of government with the conservation of the laws, franchises, and privileges of this island. For which purpose the states have named and authorized Philip Robin, James Hemery, and Francis Le Couteur, esqrs.; the Revels. E. Dupré and Francis Ricard; and John Dolbell, James Remon, and John Dumaresq, esqrs., constables; the king's officers being required to assist the said constables with their advice. (Signed) "JOHN DE VEULLE, greffier."

It was in Guernsey, however, that the government plan met the stoutest resistance. The royal court sent the following official answer to the communication of Mr. Stiles, dated the 27th September, 1800:—

"Sir,—Having laid before the royal court the letter which you were pleased to address to me on the 25th of August, and also the outlines of additional regulations to those contained in his majesty's order in council of the 13th of February, 1767, which the lords commissioners of his majesty's treasury feel the necessity to recommend to his majesty in council for taking some measures which their lordships have in contemplation, with a view to prevent the smuggling which is carried on from these islands into England, to the prejudice of his majesty's revenue and of the fair trader, I have been authorized to sign this, the royal court's answer, and I beg leave to request that you will do us the honour to submit to the most honourable the lords of his majesty's treasury our candid and unfeigned sentiments, as well respecting this pernicious practice, as the proposed regulations.

"As to smuggling, we should hold it unworthy of our station as magistrates to countenance or encourage it in any manner whatever, and we would readily concur in any measure or regulation to put a stop to it from this island, had it not been evinced by facts upon trial that the suppression of it here was shifting it to the enemy. But, nevertheless, if it were found expedient, we make no doubt but the ends of government herein might be effected (if thought proper to approve of it), by the authority of the royal court, without enforcing those destructive restraints on the commerce of this island, which, we humbly conceive, the proposed regulations teem with, and tend ultimately to reduce many industrious families, compel them to abandon their native soil, and seek the means of subsistence in a foreign land.

"We, therefore, humbly beg leave to submit our doubts as to the expediency and efficiency of shutting up the port of this island to smugglers, or of any regulations to that effect, at least in times of peace. We can now speak from facts. One of the magistrates having been deputed by the states of this island on this subject, after humbly representing to Lord North, the then minister, his apprehensions that the shutting up of this port against smugglers would but cause the opening of several in France, his lordship answered, 'We have no authority in the ports of France, but we have in your islands, and therefore we must make the trial.' In consequence, the order of the 13th of February, 1767, was, by the subsequent ones of the 9th of October, 1767, the 16th of December, 1768, and 13th of March, 1769, for a time enforced; but what had been foreseen, was very soon evinced.

"The French government was no sooner apprized of the measures, than it opened several of its ports to smugglers, and made those ports free to smugglers; among these was the port of Roscoff, to which several English, Scotch, Irish, and Guernsey merchants resorted, and their several dwelling houses and warehouses receiving every incitement from the French minister, who not only declared it a free port, but allowed rum and Spanish brandies (notwithstanding the rivalry with theirs) to be deposited there by *entrepôt* for sale to the smugglers; and, in proof whereof, we shall beg leave to refer to a publication in the year 1771, now delivered to you, in which, at the appendix, are two edicts of the king of France, No. 1, dated the 14th of March, 1768, and No. 2, dated the 3d of September, 1769; the last issued in consequence of a letter written by the intendant of the generality of Brest, to the intendant of the finances at Paris, and whose answer is inserted at page 34, all of them evincing the importance the French government attached to drawing the smugglers to that port; and also afterwards to that of Fécamp, fronting the Sussex coast, and of the measures taken to that end in consequence of the above named orders in council. We shall not repeat what is inserted in the publication referred to, at page 33, and the subsequent pages, with respect to the fitness, or rather unfitness, of any measure to shut the port of this island to smugglers, further than to observe the importance to which the measure raised the port of Roscoff,—the advantage which resulted therefrom to the produce of the French West India islands, and the encouragement it gave to their Newfoundland fisheries, and thence to the raising of seamen for the fleet, besides increasing the population of the province, and drawing from England some thousands of guineas, which were carried to Paris, as asserted at page 39 of the pamphlet already quoted; whereas, when brought to this island, they were, and are at all times, returned to England, in proof of which we can adduce, that one of our Southampton traders, which had twelve hundred guineas concealed on board, being taken in a former war by the French, and purchased after peace by our merchants, the whole were found on board, and returned to whom they belonged; and, if we are rightly informed, the port of Flushing receives, at this very time, from nine to ten thousand guineas per week from the smugglers who resort thither.

"We flatter ourselves that these considerations respecting the inefficiency of shifting this trade, illicit as it is, from this island to our natural enemies, will engage government maturely to consider the consequences; for, waiving for a moment the solemnity and sacredness of our charters, it may be proved that, from such measures, they have been enabled to fit out privateers against our trade; whereas, on the contrary, every acquisition of wealth to these islands, is in war launched out in privateers, and with such success in the American war, that the captures of French and American vessels by the privateers of these islands amounted to about *one million and a half sterling*: and Mr. Burke is reported to have said in parliament, that he could almost call these islands naval powers: both islands have in the present war shown the same spirit, and taken several privateers and rich prizes.

"But if, contrary to our humble expectations, government should overrule these considerations, as to the inexpediency of such measures and regulations, and also our native and chartered rights, we dutifully hope it will have the goodness to indulge us by some compensation in trade, by leaving to these islands a full right of remaining ports of deposit and *entrepôt*, and receive favourably such suggestions as we may hereafter offer to its wisdom and discretion for improving the same. We, indeed, most humbly hope for this boon from the justice and liberality of government, in case the shutting of this port is adopted, although in its consequences so ruinous to this island, and beneficial, as has been experienced, to the enemy. To authorize our hopes of some compensation, we beg leave to cite the precedents of the justice and tenderness of government in similar cases, viz., the redemption of the rights of the Isle of Man, and the composition of the heritable jurisdiction in Scotland. Those rights could indeed be compensated with money, as they were vested in individuals; but the rights of these islands, both native and chartered, are vested in the people of these islands and their descendants for ever, and this, as the reward of their attachment to their first sovereigns, the dukes of Normandy.

and their loyalty to them as sovereigns of England to this day. We, therefore, humbly hope that the measures of government will be such as to secure to us and our posterity the enjoyment of the means of living, so emphatically conveyed and expressed in our charters, in the sense of the following protecting passage: 'The merchants of all nations may frequent these islands and maritime places with their ships and merchandize, as well as to avoid storms, as there to conclude their lawful business, come to, resort to, go to and fro, and frequent the same, and there exercise their free trade and traffic, which privilege is granted, because the islands and maritime places aforesaid, have stood out loyally and continued unblameably, as well in our own, as in our progenitors' service.

"This grant was so solemnly conveyed, that the charter of Henry the Sixth concludes thus:—*De assensu dominorum spiritualium et temporalium in parlamento nostro apud Westmons. anno regni nostri primo*; and also that of Queen Elizabeth:—*Per ipsam reginam, et de datâ predictâ, auctoritate parlamenti*.

"We are led to remark, that such redemption and compensation for the Isle of Man and Scotland had also for object the revenue; but we humbly conceive it may be evinced from experience, and from what precedes, that the proposed regulations may not have that effect; and, in aid of the above mentioned proofs, we shall further beg leave to observe that the spirits which are brought here and sold to the smugglers are all low Hollands proof; and we beg leave to remark, that of the quantity that has been brought here since the war, it is not true that many thousands of pipes have been, and daily are, shipped hence for the port of London, or sold for the use of his majesty's navy.

"And here we beg to ask the question, whether the revenue can be supposed to be prejudiced equal to the duties of the spirits that may be smuggled? How far that may be the case with the spirits smuggled from Flushing and Dunkirk, may be doubtful in some degree, as the coasts where the smugglers land are too near to the metropolis; but, if we are rightly informed, what is smuggled from this island, or Roscoff, is generally sent to Cornwall or Devonshire, and mostly disposed of to some thousands of miners of those countries, who mostly live under ground, to whom spirits are very beneficial, but who, nevertheless, could not afford to pay for entered spirits.

"In this island the governor and magistrates have been particularly attentive to prevent smuggling vessels being armed, which has not been, and certainly would not be, attended to at Roscoff, or any other French port; nevertheless, it must be granted that, in a few instances, some have been wicked enough clandestinely to carry muskets, and use them against his majesty's custom-house cruisers, and with them to have wounded or killed some of the crews; but on an information given here that the perpetrators of such enormities had sheltered themselves in this island, the magistrates have been diligent in securing and delivering them up to proper officers, that they might be sent to, and tried in England, which would not have been done in France; and we cannot omit observing, that if our charters, from King John to Charles the Second (which latter is the last of our charters) were granted, as therein expressed, to our ancestors, for having stood out loyally, and continued unblameably, as well as to those sovereigns as to their progenitors, neither we, nor our forefathers, have ever shrunk from the same loyalty to the crown of England. This devotion was so sincerely manifested in the reign of William and Mary, that the inhabitants, overlooking all the advantages derived from the neutrality they enjoyed by virtue of their charters, sanctioned by bulls from the pope, in that war launched privateers against the enemy, and ever since followed the same loyal course, deeming their loyalty pledged to the English crown; and from such principles our militia have, on all occasions of alarm, shown its alertness and readiness to march against the enemy; and, at this time, our youths are, by the recommendation of our worthy governor, Sir Hew Dalrymple, trained up to the use of arms at the age of fourteen, instead of sixteen, which formerly was the age fixed, and although the island has not within our time been attacked, so as to give occasion to the inhabitants and militia to display their loyalty and valour, yet they have given proofs of both in their privateers; and had this island been attacked, as our sister island of Jersey has twice been in our time, and

defended with so much honour to their militia, we trust that ours would have displayed the same prowess and loyalty.

"We are indeed so much the more encouraged humbly to submit these considerations to the right honourable the lords of the treasury, and ultimately to his majesty and the lords of the most honourable privy council, inasmuch as the great Lord Chatham, and the public voice, were loud in justifying the Americans in their humble petitions to be preserved in their chartered rights and privileges, which is proved by his lordship's distinguished speeches in parliament, and the addresses presented to him, as well from the city of London, as well as from all the principal cities and towns in Great Britain and Ireland.

"We shall beg leave to conclude this with one remark more, that on the bearing before the most honourable privy council on the 18th of February, 1767, our charters, by some unaccountable oversight, were not produced, but being received on passing the order of the 16th of December, 1768, and 13th of March, 1769, notwithstanding that their lordships enjoin the observance of that of the 13th of February, 1767, yet that of the 16th of December, 1768, has this provision, 'As far as the same are consistent with the constitution of the said islands, and the provisions of any act of parliament which relates to them,'—a constitution, we may observe, fenced as well by the sanction of parliament, as by the oaths of governors, lieutenant-governors, and magistrates, who, before they are admitted to exercise the least function in their respective offices, are sworn to keep the same, and the inhabitants in their rights and privileges, customs and ancient usages of right practised in this isle. We then, sir, request you will do us the honour to submit this to the right honourable the lords of the treasury, and also inform their lordships that, as matter of right, we shall offer the whole of the proposed regulations to the consideration of the states of this island for their opinion thereon, begging you will please to convey to their lordships our very respectful and grateful acknowledgment of their lordships' great kindness in the manner they have had the goodness to convey their views, as well as for their lordships' choice of a gentleman of your candour and liberal sentiments to signify the same to us.

"I have the honour to be, &c.,

(Signed)

"WILLIAM LE MARCHANT,

"Guernsey, September 27, 1800."

"Bailiff and chief magistrate.

Mr. Stiles, anxious to collect as many facts as possible, drew up several interrogatories, which he submitted to the royal court, and these were answered in writing, on the 15th of December, 1800:—

"*First Question.*—What is supposed to be the number of inhabitants of this island, exclusive of strangers?

"*Answer.*—Upon an exact census, the number in each parish is found to be:—

St. Peter.....	8,450	Vale.....	842
St. Mary De Castro.....	1,453	St. Andrew.....	675
St. Martin.....	1,132	St. Sampson.....	652
St. Pierre-du-Bois.....	1,130	Forest.....	552
St. Saviour.....	933	Torteval.....	336

Total population, 16,155, exclusive of sailors in his majesty's service, privateers, and merchant vessels; also of strangers not permanently settled, who may amount to two or three thousand.

"*Second Question.*—What number does the militia consist of, and at what age are they required to bear arms, and what duty do they perform.

"*Answer.*—The militia consists, according to the last estimate, of 3,158 men, and 455 lads from fourteen to sixteen years of age, which is the age at which they begin to be trained; and the duty performed by the militia is to keep watch at different posts round the island, and to be ready to attend with their arms and accoutrements at any rendezvous assigned to them by the commander-in-chief and their officers, to be disciplined and reviewed, and on any signal of alarm.

Third Question.—What foreign trade is in general carried on to, and from, the island, and how has the war affected it?

Answer.—The foreign trade carried on by the inhabitants is in the importation of wines, brandy, and fruits from France, Spain, Portugal, Madeira, and Italy,—rum from the West Indies,—tobacco and grain from America,—and fish from Newfoundland. The exportation is in such brandies and wines to America, Quebec, and the West Indies; large quantities of these liquors are intended to be exported to Great Britain and Ireland; the tobacco is destined for Hamburg, Embden, and the Baltic, exclusive of what is sold to smugglers. We subjoin the exact particulars of such trade. Many brandies are exported to Madeira and America. At the first place they are bartered for wines which are carried to the West India islands, and again bartered for rum and other produce, which is sometimes carried to Quebec in exchange for provisions to be carried to Newfoundland, and there bartered for fish, which is shipped to Portugal and the Mediterranean, whither we also export cargoes of pilchards from Cornwall, for account of the inhabitants who have large concerns in that fishery; the brandies carried to America are bartered for corn, rice, and staves, and brought hither. Several assorted cargoes, and especially prize wines, are annually exported direct to the West India islands, where they have entry, and some to those islands which only admit those goods from England, where they are accordingly first landed, and also to Quebec, and there they are bartered for wheat and flour, which are imported into this island, or for provisions which are carried to Newfoundland, and there bartered for fish for the above named markets, or these islands.

“But a great part of our trade consists in the deposit of goods brought hither, to be regularly reimported into Great Britain and Ireland, from France, Spain, and Portugal,—this occupies our warehouses, built at great expense, and gives bread to coopers and labourers, and freight to many of our own and British vessels in the legal transportation of such goods to all parts of the United Kingdom, and the freights paid here for the goods are a considerable source of circulation and benefit to the island, as it is calculated that above one quarter part of the amount of such freight is paid in the island in wages to the crews, and in provisions, repairs, and necessities for the vessels, and otherwise laid out here in the purchase of different articles, most of which are of British manufacture. We also beg leave to observe, that many of the tobaccos brought hither are purchased by such masters of neutral ships, as adventures, when bound to their own country, besides what is bought here by the crews. And, in the year before the war, the quantity of manufactured tobacco brought hither by the French amounted to above *one hundred and fifty thousand pounds*, which they smuggled back into Normandy and Brittany. In this manufacture many indigent boys and girls are employed.

“The whole of this deposit trade facilitates the operations of the fair trader in the United Kingdom, as the merchants order their goods by parcels as they want them, and for such ports as may be most advantageous. But Hamburg has, during the whole year, carried away about one-half of the deposit trade of brandies designed to be reimported into Great Britain, and which might be limited to this island instead of throwing the profit to foreigners, and indeed to the advantage of the mother country, as it would keep considerable sums at home, favour the rate of exchange with the continent, and not leave British property exposed to the chance of events, and to sequestration and confiscation in foreign ports. The quantity of goods, however, exported from this island must, in a great measure, be known to you, and it must be very considerable, as the three undersigned have alone shipped, since the 1st of October, 3,325 pipes, and 983 hogsheads of brandy and wine, and the war has generally increased the several branches of trade.

Fourth and Fifth Questions.—What number of privateers have been fitted out this war, and what is the number at present? What number of persons have been generally employed in such privateers?

Answer.—There have been thirty-five fitted out this war, carrying 250 guns, and 1,716 men, and there are at present twelve privateers, carrying 148 guns, and 670 men, but had the salvage been one-half, there would have been double that number, for the French having had little or no trade this war, the only encourage-

ment has been the chance of reprisals, and of prizes from the Spaniards; and the value of our captures, which last war exceeded *nine hundred thousand pounds*, has not been probably much less this war, without, however, enriching the inhabitants in the same proportion, because a great part of the value consists in reprisals (recaptures) and the expense of privateers is more considerable. We have also, since your departure, been particularly indebted to our privateers for sending in three prizes with five hundred tons of Spanish wheat, which has preserved us, we really believe, from a state of scarcity, which, without that supply, would have bordered upon famine.

"*Sixth Question.*—What manufactures are carried on in the island?"

"*Answer.*—The knitting of stockings, waistcoats, &c., for which 2,000 *tons* of wool are allowed to be exported from England; and some English persons have lately erected a glass house, intended chiefly for the blowing of bottles, and where the fire is also applied to the making of salt. Another manufactory for salt has been set up and substituted for our ancient salt pans, since when, other ancient and very extensive salt pans have been converted into arable fields, and been sown this year for the first time with corn. There are also several manufactories of tobacco for the consumption of the island, part of which is also sold to the masters and crews of neutral vessels, as well as to the smugglers.

"We cannot conclude without observing, that if ten to twelve thousand guineas are every week carried by smugglers to the continent, of which there is no doubt, it is so far from being the case here that money is, and has been so scarce for a long time, that government has paid a premium of $2\frac{1}{2}$ and $3\frac{1}{2}$ per cent. for cash to pay the garrison. The merchants and tradesmen do the same.

(Signed)

"ROBERT PORRET LE MARCHANT, *bailliff*.

"DANIEL DE LISLE BROCK.

"WILLIAM LE MARCHANT."

It was not, however, till 1805, that the British legislature extended the "act for the better prevention of smuggling" to the islands; but before it passed into a law, the people of Guernsey presented a petition to the house of lords, which was ably supported by Sir Thomas Plomer and Mr. Adam, who were professionally employed to defend the rights and privileges of Guernsey.* The Guernseymen, when fully convinced that Government were inflexibly resolved to put down the illicit trade, willingly gave up their opposition on that point, but as the act of parliament struck at the very root of the insular jurisdiction, they determined to resist that innovation on their ancient immunities. We cannot give the reader a clearer view of this part of the subject than by extracting a portion of the speech of Mr. Adam, delivered in the house of lords:—

"It becomes necessary in this state of the case," said Mr. Adam, "to make your lordships a little acquainted with the particular enactments of this bill, and before I do so, let me call your lordships' attention very briefly to the infinite

* For complete details of these proceedings in parliament, see *Guernsey and Jersey Magazine*.

difficulties that would exist with regard to a particular part of this law. I shall show your lordships presently, that this bill proposes to infuse into the island of Guernsey the whole system of revenue laws of this country; when it does so, it proposes to transfer at once five volumes in folio of British statutes, to be the guide and rule of the people of that island, who do not understand the English language; when it has done so, it proposes that the trial shall take place in a particular course and a particular way, which are equally inconsistent with their language and liberties,—with their privileges, with their constitution, and with their law. My lords, these laws to which I have referred, are all of them in the nature of crimes created,—not *mala in se*, but all of them *mala prohibita*.

"Then you are to infuse those laws into the constitution of the island, by making them a part of the law of that country; you are to withdraw them from the ordinary trial they have in that country; you are to require obedience from that country to laws that create crimes which it demands most particular attention to become master of, and in none of which any natural duty, or any natural rule, or any principle that governs one in reference to *mala in se*, can by possibility direct them.

"In the ninth page of this bill, there is this clause:—'And be it further enacted, that every offence made felony by this act, committed within any port, harbour, creek, haven, or roadstead of the islands of Guernsey, Jersey, Alderney, and Sark, may and shall be inquired into, examined, tried, and determined in the said islands; and every offence committed elsewhere, out of the United Kingdom, may be inquired into, examined, tried, and determined in any county of the United Kingdom; and every such offence committed within England, Scotland, or Ireland, respectively, may be inquired into, examined, tried, and determined within any county of that part of the United Kingdom, in which such offence shall have been committed, in such manner and form as if the offence had been committed in the county in which the same shall be inquired into, tried, and determined.'

"I wish to call your lordships' attention to this clause, with the view of showing your lordships that it is utterly impossible, if it is to be adopted, to consider it as intelligible in the state in which it stands. In the first place, your lordships will observe, that here is a distinction between felony and other crimes; every offence, made felony, committed within the precincts stated of Guernsey, Jersey, Alderney, and Sark, may and shall be inquired into, tried, and determined in the said islands; so that, so far as the felonies created by the act are to be decided, the jurisdiction of the island remains. But what follows? 'And every offence committed elsewhere out of the United Kingdom.' Now, Guernsey, Jersey, Alderney, and Sark, are out of the United Kingdom: 'and every offence committed elsewhere, out of the United Kingdom, may be inquired into, examined, tried, and determined in any county of the United Kingdom.' I take it that must mean this, and therefore it is essentially necessary to insert this clause:—'And every offence not made felony by this act, committed within the island, and every offence committed elsewhere, out of the United Kingdom, may be inquired into, examined, tried, and determined in any county of the United Kingdom.' When your lordships have inserted such words as I have mentioned, so as to make it perfectly clear and explicit, then the meaning of the clause will be this: with regard to felony, it is true that we leave you to the jurisdiction of the islands, and with regard to every other offence committed within the islands, that is, out of the United Kingdom, you are not left to the jurisdiction of the islands, but are to be dragged to a different jurisdiction. Then, in that sense, here is a clause, which is a direct violation of those charters and privileges recognized by King William, and of those charters and privileges which we laid before your lordships in evidence. Here is a direct violation of the constitution recognized by the precept of assize, in 1331, and which has continued from that time down to the present moment. If that be the case,—if that is clearly the necessary effect of that clause, is it possible for your lordships to say that it is not a violation of those chartered rights? Is it not perfectly clear that that takes away their rights from these persons, with regard to all this body of law which, as I have stated, is handed over to them at once, and

which they are obliged to make themselves masters of, and to conform to? Is it not quite clear that it withdraws them from their ordinary jurisdiction? Why should it withdraw them from their ordinary jurisdiction? Is there any thing in the distribution of justice in that island,—is there any thing known with regard to the courts of that island, which should so contaminate them, as to make it appear they are not fit to decide upon cases of that sort, even supposing the power of legislation by the British government to extend to those islands by mentioning them, that they should have that part of their independence, their jurisdiction, entirely taken away? The two points of jurisdiction and legislation are totally independent of each other, and it is most important that your lordships should not violate their rights in point of jurisdiction; yet I think I shall satisfy your lordships that, in point of legislation, there is no foundation or ground for the authority of the British parliament extending without registration to the island of Guernsey."

Mr. Adam then read the eighth clause of the bill, which enacted, *inter alia*, that vessels were liable to forfeiture if discovered to have been within any port or haven of Guernsey, or there found hovering; and further, that any Guernseyman found on board a vessel so circumstanced, was liable to be seized. On these points Mr. Adam observed:—

"According to the clause I have read, that person is to forfeit one hundred pounds, unless he can prove himself a passenger; that person is called on to quit the place of his residence to prove himself a passenger; he is called on to quit the island where the witnesses live, who are willing to show that his character is such as to make it clear he is only a passenger; and he is called upon, according to a law of which he knows nothing, according to a law which he is incapable of learning, to take his trial in a distant country, at the Land's End, at Shetland, at Orkney, at Inverness, on the north-west circuit, or in the most distant part of the kingdom of Ireland; he is called upon to take his trial there, in a situation where he is unable, not only to have any knowledge of the tribunal which is to try him, according to the principle of the law of vicinage, but he is called upon to take that trial in a situation where he has neither the *means* of compelling the presence of his witnesses, nor has he perhaps the *power* of compelling the attendance of his witnesses, and perhaps not the means of paying the expense of those witnesses to come there, even if he could compel them; he is to call those witnesses from across the sea, to take a voyage of a thousand miles for the purpose of establishing his innocence, of showing that he was only a passenger, by proving that his calling, his vocation, was such and such in the island of Guernsey,—that he was, for instance, a clergyman, a schoolmaster, or, in short, by giving such facts in evidence as would satisfy a jury that he was only a passenger.

"My lords," continued Mr. Adam, "is it possible that this can be passed into a law, when you consider the nature of the rights of the inhabitants of Guernsey; and even if the nature of the rights of the inhabitants was not such as we have shown, is it fit that a British subject, in any part of the British dominions, should be put to so extraordinary a hardship for the best of all purposes, even for the purpose of the revenue? Is it necessary for the protection of the revenue, that a British subject should be put in such a state as to make it impossible that he should be able to defend himself, when the first principle of British justice is, that justice should be brought home to the door of the individuals who are the subjects of it; that the party should be tried by persons of the vicinage; that he should be put to the least expense possible, especially as government are at the expense of sending judges to the distant parts of the country for the purpose of bringing home justice to the door of the parties."

When Mr. Adam had concluded his very able speech, Lord Holland addressed the house, and advised them not to proceed with so important a bill at so late a period of the session, but he was successfully opposed by the chancellor. His lordship then moved that the judges be invited to attend the committee, to give their advice and assistance; even this most reasonable request was negatived. The commitment of the bill was fixed for Tuesday, 9th of July, 1805, on which day Lord Holland spoke eloquently and argumentatively in favour of the rights of the island. Alluding to the clause of the proposed bill which assailed the right of internal jurisdiction, his lordship observed:—

"It is said this bill touches not the rights of the inhabitants, because it affects only what is on the water, and does not extend within the land. But, my lords, the fact is, that much of the island is under water at the high tide, and places that are united with it at low water are then separated from it. The prison of the island itself is in this situation, being built upon a rock in the port, accessible by land at low water, but accessible only by boat when it is high tide. Thus, a boat conveying a criminal to this prison, or visiting a criminal and conveying a keg of spirits for the use of the persons confined, may be seized, and all those on board it brought to England to be tried by a law unknown to them, with scarcely any means of escaping the pains, penalties, and forfeitures that their accusers may choose to affix upon them. As to the danger of attempting to legislate where we are not entitled to exercise that power, we have already had a lamentable example of it.* It has been proved that the constitutional mode of legislating for these islands is by His Majesty in council, whose orders have the force of law when registered by the royal court of the island. If, therefore, the regulations here proposed were wise, just, and expedient, this is not the proper mode of enacting them. Suppose the king in council may choose to order the seizures to be tried in the island; which is to be obeyed, the act of parliament, or the order in council? You may say, we are the legislature, and we must be obeyed; but the usage is in favour of the former mode of legislation, and we know how much all mankind respect usage in these matters. I allow this is an extreme case, and all extreme cases are dangerous, and no advantage can arise from holding them up to discussion; but the fault is not our's, it is the fault of those who rashly move questions involving such cases, and pressing these questions to a decision without giving room for due deliberation. I suppose, my lords, that even those who assert the right of legislation to be in the parliament here, will not say it exists without limits. You would not pretend to a right of taxing those who are neither really nor virtually represented among you. There must be a limit somewhere, as to what you can and cannot do. It is certainly one of the first and most undeniable rights of these islanders to be tried in the islands, and I hope so gross a violation of that right, as to bring them here for trial, will not be resorted to. Such a proceeding would be directly contrary to their constitution, their laws, their charters, and the invariable usage of the islands."

Lord Holland then denied the expediency of the

* An allusion to the American War of Independence.

measure, even if the right of legislating for the islands could be shown to be vested in parliament, which he more than doubted, and thus forcibly remarked on the complete impracticability of putting down smuggling :

"The object of the bill," said his lordship, "is to prevent smuggling, and so far the measure is wise and expedient. The only question that remains on that point is, whether the provisions it contains are likely to be generally effectual. I ask whether these provisions will be equally effectual with respect to the smuggling from France and Holland, as they will be with respect to that from Guernsey. If they will not, the vexations the bill imposes on Guernsey will be doubly galling ; if they will, the regulations alone are sufficient to produce the benefit without the vexation. In case the regulations are insufficient to prevent the smuggling from France and Holland, the only effect of this bill will be to transfer this trade from British subjects to foreigners, and the additional powers given to custom-house officers for the extent of one hundred leagues will certainly complete this mischief. My lords, I call it a mischief, for though I am aware I cannot speak of smuggling here as a fair trade, yet, if it is the necessary consequence of high duties that smuggling should be carried on more or less, it is better it should be carried on by subjects than by foreigners. But if this bill checks smuggling only so far as it transfers it to foreigners, and at the same time checks the fair trade of British subjects, I submit that very little will be gained by it, and, further, that it will produce mischief rather than advantage. The attempts to introduce revenue officers will, it is known, be extremely disgusting to the islanders. If the right of legislating by act of parliament is clear, all that remains is the question of expediency as to the exercise of that right ; but in this view it is worth while to consider whether smuggling might not be prevented by regulations alone, without having recourse to measures calculated to shock the feelings of these islanders, at the same time that they are likely to diminish their trade, and thus reduce the general wealth and resources of the empire. It is to be considered that these islands are at all times, but particularly in time of war, a depot for foreign produce, and it is matter of deliberation whether, on that ground alone, the expediency of this bill is not more than questionable. We know that, in 1767, when an attempt was made to introduce custom-house officers by order in council, the only effect was, that the depôt of wines, and other foreign produce, was removed from these islands to the little port of Roscoff on the French coast, where it was encouraged by the favour of the French government, and many expensive undertakings were resorted to, to fix and continue it. I need not dwell on the advantages these islands bring to this country ; that they are a most valuable nursery for seamen ; that their attachment to British connection has been invariable ; and that, in periods of the most anxious and trying difficulties, among which these late times are not the least remarkable, their loyalty, fidelity, and bravery, have been most distinguished. Hence, I argue that these islands should not be lightly subjected to grievous burthens, to invasions of their rights, or useless vexations. I am confident that more advantage results to this country from the immunity of Guernsey and Jersey from the revenue laws, and that this immunity has been of more use to our commerce, and more general benefit to our resources, than the amount of any little gain that can result from the total invasion of their privileges and the extinction of their trade, which will be the immediate effects of this bill. The attempt this bill makes is extremely impolitic ; it will be a remedy worse than the evil it is intended to check. It is impossible totally to prevent smuggling. The interested motives of mankind will always prompt them to attempt it, particularly when taxes are extremely high, and the hope of a large profit is a temptation sufficient to make light of any risk : all that the legislature can do is to compromise with a crime which, whatever laws may be made to constitute it a high offence, the mind of man never can conceive as at all equalling in turpitude those acts which are breaches of clear moral virtue."

Lord Holland concluded a most able and constitutional speech by moving that the chairman do leave the chair.

Lord Hawkesbury* totally opposed the views of Lord Holland, insisting that the bill ought to pass immediately, and forthwith become the law of the land. He said—

"The vicinity of Guernsey and Jersey to this country and to the continent, gave them great facilities for smuggling. He did not believe the trade would be transferred from them to the ports of the continent in time of peace, but they certainly were much more masters of the mischief in time of war. But either in war or in peace, there was much more strictness with regard to foreign vessels than those belonging to our own dependencies; these last had the same facilities as those belonging to the distant ports of our own dominions, and with respect to the much talked of hardship of bringing people from these islands to be tried here, it was to be considered that many of our ports were much more remote, unless indeed there was something sacred in the sea, and it was to be considered an impiety to bring any body from beyond it. These islands were an *entrepôt* for trade in peace, and for smuggling in war; and it was found easy, from the vicinity of the coast of Hampshire and Sussex, to bring spirits in small barrels, in vessels of small burthen, and roll them on shore in the night. This illicit trade was carried on to an extent that was inconceivable, and it was the opinion of those best acquainted with these matters, that the only effectual mode of remedying the evil was to take care that none but packages of a proper size should be made use of in the islands, and that their trade should be carried on in vessels of a certain burthen, allowing them to navigate none under that burthen. The object of this bill was to strike at the root of the evil, and, by removing it, to increase the revenue; but the bill would be ineffectual if Guernsey and Jersey were not comprehended, and the regulations with respect to casks and ships imposed upon them. If they were not prevented from fitting out smuggling expeditions in their own ports, it was impossible to prevent the success of those expeditions here. To increase the revenue, not by taxes, but by regulation, was particularly desirable at the present time, when the burthens of the people were already so heavy; and this was an advantage he could not pass by when so fair an opportunity offered."

His royal highness the Duke of Clarence† spoke in favour of the islands. He joined in the testimony of his noble friend (Lord Holland) to the loyalty and attachment of the islanders, which, he was sure, from the knowledge he had of them in frequent visits to their islands, would not be shaken by anything disagreeable to them which this bill might contain. He complained of the extension of the hovering limits to to one hundred leagues, and observed that the shoals in the neighbourhood rendered the use of small vessels indispensable to them. He thought there

* Afterwards Earl of Liverpool, and many years prime minister.

† Afterwards King William the Fourth.

ought to have been some communication with the jurats, and he conceived that such communication might still take place. He doubted whether a bill of such serious importance ought to be passed in time of war. He thought it not, and he was borne out by the opinion of many of the ablest officers in the navy, who were decided as to the expediency of some regulation in the trade of Guernsey, but conceived that it should not be carried into effect in time of war.

The motion of Lord Holland, that the chairman do leave the chair, was put and negatived. Lord Holland then moved, that the clause extending the operation of the bill to the islands of Guernsey, &c., be omitted. On this their lordships divided, when it was lost by a majority of *nineteen to six*. Thus, by this trifling and truly insignificant majority,—by a balance of thirteen men,—not elected by any constituency, and irresponsible for their acts,—the rights and privileges of centuries were swept away, and the charters of successive sovereigns trampled under foot. An unjust war waged against America, and an unjust war waging against France, had so drained the resources of Great Britain, that her rulers invaded the liberties of the Channel Islands, (whose inhabitants had never voted for either of these wars, and had done no single act to create the national debt of the mother country,) and stripped a people, too feeble in numbers to resist the blow of tyranny, of their ancient immunities. It is true that the new acts were framed with moderation, but still they were in spirit of an usurping character, and however leniently they may have been drawn up, they must ever be considered in their nature as arbitrary. The civil jurisdiction, police, and laws of the island, were untouched; nothing was altered on shore, and the provisions of the new system were limited to vessels and goods afloat. They, however, cancelled that portion of the charter of Elizabeth, which recognized the insular jurisdiction so far as the

eye of man could reach, for the law to prevent smuggling was extended to the distance of one hundred leagues from the United Kingdom, by which the islands were brought within its operation. The people of Guernsey, however, at once submitted to the authority of parliament, and even established a chamber of commerce, the condition of membership being a promise to discountenance all illicit traffic,—thus affording additional proof of their loyalty and obedience to the crown of England, which has almost become proverbial, and is well known to the French. The governor of Cherbourg, who planned the last attack on Jersey, in 1781, and was to have commanded the expedition, wrote of the Channel Islands and their inhabitants to the following effect :—

“ Ces deux îles, (i. e. Jersey et Guernesey,) font le désespoir de la France au début de chaque guerre, par un corsairage très-actif, qui commence toujours par enlever une grande quantité de vaisseaux, et qui coupe et détruit toute communication et tout commerce entre les ports de la Manche, avant que la France ait pu prendre aucune précaution pour protéger sa navigation côtière, par des armemens. L'habitude de braver les dangers de la mer, rend les habitans très-braves; ils forment un corps de milice bien disciplinée, bons tireurs, et qui seraient en état, presque seuls, de repousser l'ennemi qui serait descendu. Leur attachement au gouvernement Anglais est très-fort et proportionné à leur intérêt. Bons voisins pendant la paix, liés même assez étroitement par la contrebande, qui les enrichit, avec les habitans de la côte de Normandie et de Bretagne, qui les avoisinent, ils deviennent des ennemis très-dangereux dès que la guerre se déclare, ou plutôt, ils sont toujours en état de guerre, tantôt contre les douaniers des deux royaumes, tantôt contre la marine marchande Française. Une pareille population ajoute encore à la force naturelle de ces îles.”

[TRANSLATION FROM THE FRENCH.]

“ These two islands (i. e. Guernsey and Jersey) are the despair of France at the breaking out of each war, through their remarkably active privateers, which always commence by capturing a great number of vessels, and destroying all communication and commerce between the channel ports, before France can adopt any precautionary measures to protect her coasting marine by vessels of war. The habit of encountering the dangers of the sea renders the natives very brave; they have well disciplined regiments of militia, excellent marksmen, and who alone are almost capable of repulsing any enemy who might descend on their shores. Animated by a true sense of their own interest, their attachment to the English government is devotedly loyal. Good neighbours during peace, closely united by the contraband trade, which enriches them, with the inhabitants of the neighbouring coasts of Normandy and Brittany, they become formidable enemies when war is declared, or rather, they are always in a state of warfare, now against the custom-house officers of the two kingdoms, now against the French commercial marine. A population of this character greatly enhances the natural strength of these islands.”

Previous to its suppression, the smuggling trade was carried on in cutters and luggers of from eighty

to one hundred and thirty tons register, built at Hastings, Mevagissey, Polperro, and other English ports, and the greater part were owned in England, as the inhabitants confined themselves chiefly to the sale of goods to the smugglers, and, on the outbreak of a war, either purchased these vessels, or fitted out their own, as privateers, for which they were admirably adapted. The smuggling crews were almost entirely English, well acquainted with their own and the Irish coast, and almost every man of whom was the *beau-ideal* of a British sailor; active, daring, and prodigal of their dangerous gains, they forgot, in the pleasures of the day, the risks of the morrow, as the favourite season for their vocation was the winter. As the simplicity and morality of the islanders at and after that stirring period were remarkable, it will naturally excite surprise how either could exist in, or in the neighbourhood of, a sea port which was long frequented by the crews of smugglers and privateers, and yet it is an undoubted fact that both existed in a higher degree than at this moment. We can only account for the apparent anomaly by attributing the cause to the greater prevalence of the French language among the lower classes, which prevented their having much social intercourse with the stranger seamen. It should also be remembered that the mass of the inhabitants, especially those living in the country, had no participation or interest whatever in the illicit trade.

We have shown that the states of Jersey declared that the inhabitants of that island were exonerated from all participation in the illicit traffic, but we much question their having abstained from it altogether, because the chances of profit were too inviting to be entirely resisted by any commercial community in the neighbourhood of *the fair trade*, as it was termed. From their easier access and greater proximity to the British coast, Guernsey and Alderney were undoubtedly the principal resorts of the English smug-

glers, but that they did not sometimes visit Jersey, and that the merchants there refused to supply them, or that the adventurous Jerseyman himself did not occasionally tempt fortune by crossing the channel with spirits, tobacco, &c., and introducing them clandestinely into England, is as incredible as it is improbable. The *fair trade* has now passed away, but its stigma remains, and although one illegal proceeding does not justify another—although all attempts to violate the revenue laws of *any* country are to be deprecated—let the Englishman, who would charge the Channel Islands with having once fostered smuggling and been the resort of smugglers, ask himself whether many of the inhabitants on the coast of Kent, Sussex, and other maritime counties, are not engaged to this day in *running* spirits, lace, &c., into England—let him remember what nation it is which introduces opium into China, which encourages smuggling from Gibraltar into Spain, and from Jamaica into the Spanish main—above all, let him bear in mind that, unlike London, Liverpool, and other English ports, Guernsey never participated in the inhuman slave trade,* nurtured with the tears, and crimsoned with the blood, of Africa—a trade compared to which smuggling is innocency itself. To purchase of a smuggler is certainly quite as culpable as to sell to one, and on this point Adam Smith says—

"In those corrupted governments, where there is at least a general suspicion of much unnecessary expense, and great misapplication of the public revenue, the laws which guard it are little respected. Not many people are scrupulous about smuggling, when, without perjury, they can find any easy and safe opportunity of doing so. To pretend to have any scruple about buying smuggled goods, though a manifest encouragement to a violation of the revenue laws, and to the perjury which almost always attends it, would, in most countries, be regarded as one of those pedantic pieces of hypocrisy which, instead of gaining credit with any body,

* Dacey, in a brief description of Jersey, at the end of his history, says—"It was generally taken notice of, that the inhabitants of this island, from their greater population, have some advantage in point of trade more than those of Guernsey; especially in two considerable branches carried on to Newfoundland, and up the Mediterranean sea; but I did not observe that several rich ships from Jersey have, of late years, been employed in the Guiney trade; and it is much to be wished, that so beneficial a branch of commerce may meet with every desired success!! We would vain hope, for the credit of the sister island, that the present enterprising and estimable natives would shrink with horror from such a traffic, and that the Guiney trade above mentioned was not the heinous slave trade.

serve only to expose the person who affects to practise them, to the suspicion of being a greater knave than most of his neighbours."

And it has been well observed by a writer in the *Edinburgh Review*, vol. xxxvi. p. 536, that—

"To create, by means of high duties, an overwhelming temptation to indulge in crimes, and then to punish men for indulging in it, is a proceeding wholly and completely subversive of every principle of justice. It revolts the natural feelings of the people, and teaches them to feel an interest in the worst characters, to espouse their cause, and to avenge their wrongs."

When the act "for the better prevention of smuggling" was duly legalized and enforced, Guernsey, of course, ceased to be a depository for spirituous liquors, and thus lost the most lucrative branch of its trade. About the same period its commerce received another blow, by the establishment of the bonding system in England, when the island ceased to be a depository of wines for the London merchants. Bonaparte having established his system of blockade, the mercantile marine of Guernsey, in common with that of the mother country, was excluded from the continent, and thus suffered greatly in its external commerce. Its internal trade, however, was highly prosperous, a large garrison being quartered in the island, and a naval squadron being stationed on the coast; this increase of temporary population raised at once the demand for labour, and the price of commodities; every merchant, shopkeeper, and artisan, was fully employed in his vocation; there was every facility to sell goods at a remunerating rate, and the only difficulty was to obtain them from England. Agricultural pursuits were equally flourishing. On the ocean the Guernsey privateers were very successful, and some large sums were made by prizes, especially during the last American war, although, on the whole, the balance of profit was not so great as may be supposed, because the outfit was costly, and if the privateer were captured, or lost, or returned unsuccessful, the loss was considerable. But, as in all enterprizes attended with much risk, the returns were occasionally immense.

In 1807, the royal family of Portugal, expelled by

the French from their European dominions, sought refuge in Brazil, and their vast colonial possessions opened a wide field of enterprize to neutral nations. The ambition of Bonaparte, in 1808, roused the armed resistance of Spain, and, soon after, the province of Buenos Ayres declared her independence and invited commercial operations. Into these new markets the Guernsey merchants entered with spirit, and realized large profits, taking wines or brandies from Europe to Rio Janeiro and Rio de la Plata, and returning home with coffee, sugar, and hides. They were also engaged in carrying codfish from Newfoundland to Spain, where it had risen from fifteen shillings, its usual peace price, to sixty shillings net per cwt.

The anti-commercial decrees of France, founded in perfect ignorance of the fundamental principles of political economy, or, at least, if known, in wilful opposition to their spirit, defeated themselves. Nations that refuse to import, cannot export : Russia felt this truth ; the English market being closed against her produce, prices fell so low as to leave no remunerating profit, and this was the principal reason why Russia declared war against the oppressor of Europe. France itself, during the last three or four years of the war, became sensible of her error ; the anti-commercial decrees were relaxed, and commodities were allowed to be imported into, and exported from, France, under neutral flags. This traffic was termed the *license trade*, and it proved beneficial to Guernsey, which became the principal mart for these transactions. Napoleon required Peruvian bark and other drugs for his armies, and though the British government at first refused their export, they ultimately allowed it, and Guernsey received, among other goods, corn in exchange, at that time a most valuable barter, the northern ports being closed.

When peace was proclaimed in 1815, the internal and external trade of Guernsey at once declined.

The large garrison was removed, only one regiment remaining; of the naval squadron only a cutter was left. During the war, the rent of shops and stores was very high; these suddenly fell in value, and as the number of tradesmen called into activity during the period of high prices could not readily find occupation, the profits of each sensibly diminished through competition. The diminished demand for commodities necessarily produced this result, for the amount of consumers was reduced to the native population. In 1816 and 1817, the pressure became so sensibly felt, that many of the inhabitants emigrated to the state of Ohio, in the United States of America, and there settled in the district now called "Guernsey county," which is still a favourite spot of immigration with the islanders.

Notwithstanding this partial depression, clearly arising from a return to peace from war, the staple wealth of the island was far from depreciated. The vast fortunes accumulated during the war remained, and these were chiefly invested in the French funds, then yielding an interest of eight per cent., for the more wary merchants clearly saw that the carrying trade, of which Britain had enjoyed the monopoly, would now be thrown open to all maritime nations, and the sea become the free highway of nations. They, therefore, in some measure retired from commerce, and realized their floating capitals. The incomes thence arising fed domestic trade, and the judicious expenditure of the public authorities in the improvement of the island encouraged industry and compensated labour. Individuals caught this spirit, and private villas and gardens arose as by magic, rendering Guernsey one of the most beautiful, cleanly, and desirable residences in Europe. There are, indeed, few cities, though of much loftier pretensions, which can boast of so enchanting an avenue to the town as the Rohais and Grange-roads. It is by contrast that

this extraordinary change can be best appreciated, and on this branch of our subject we shall here introduce the following extract written by Mr. Ferdinand Brock Tupper, for the *Guernsey and Jersey Magazine*, to which he has made a few additions, and in which he institutes a comparison of the state of the island between the years 1775 and 1840 :—

"The first part of the following sketch is drawn from inquiries recently made for the purpose of two or three gentlemen, now upwards of seventy years of age, who perfectly remember the state of the island at the former period, soon after which it would seem that the spirit of improvement began to develop itself, owing to the addition made to the garrison, and the increased intercourse with strangers, during the first American war. Little, however, was done to embellish the town, or to facilitate the communication with the country, until the commencement of the present century.

"In 1775, the town of St. Peter-Port extended northerly to the Long-store, southerly to the lower half of Hauteville, and westerly from Fountain-street to Country Mansell, including the Bordage and Mill-street. Pedvin-street was not built, and the present market-place was a garden. Berthelot-street existed almost as it is now, but Smith-street was complete only on the north side, the south reaching only to the pump; and from thence to the upper part of Berthelot-street and New Town, the land was in fields and gardens. Indeed, a gentleman, yet living, remembers shooting a woodcock where the gaol now stands. The houses in Park-street, Mount Durand, Mount Row, New Town, Canichers, Paris-street, &c., &c., with very few exceptions, have been erected since. The principal streets were paved, but there were neither public lamps, nor sewers, nor flagged footpaths. The lower part of Fountain-street was so narrow, and the houses on each side projected so much at every story, that the inmates could almost shake hands across. High-street was almost as narrow and unsightly. The parish church was the only place of worship in St. Peter-Port, and there was neither a dissenter nor a chapel in town or country.

"From Lord De Saumarez's house, at the top of Smith-street, to the church of St. Mary de Castro, there were only eight houses bordering on the road. St. James's-street and Candie-road were miserable lanes only wide enough for a cart, and without footpaths; the Grange-road was equally narrow, but it had a wide footpath. The house on the Grange-road, a little above and facing Doyle-road, was built by Mr. William Brock for his summer residence only, his winter one being in High-street, about half a mile distant; and when Mr. Henry Brock built Belmont, he was told that the roof would be blown away by the westerly gales, and that he might as well erect his house on Rock Douvres.

"The present site of Fort George and its outskirts contained some of the finest corn fields in the island. Government-house was then situated at the top of Smith-street, as at this moment, but two or three years previously it was that now called the haunted house at the Tour de Beauregard, between Horn-street and the Bordage. The garrison consisted of four companies of invalids, who were quartered at Castle Cornet, as there were no barracks, but many of the soldiers were permitted to live in town, and serve as porters. One entire and two half regiments of foot were soon after added to protect the island during the American revolutionary war. The town militia was composed of one infantry regiment, of which the grenadiers only were clothed in uniform, purchased at their own expense, and the whole of the privates were compelled to provide their own arms and ammunition. The country militia was embodied into two regiments, the third and the town regiment of artillery having been formed during the American war.

"The royal court held its sittings in a mean detached building at the *Plaiderie*,

social civilization of Guernsey, the establishment of steam navigation has not been the least remarkable. While the natives remained in comparative seclusion from the world, the ideas of the mass did not advance with the annually increasing knowledge of the people of England, and their views and opinions were consequently often narrow and erroneous. Intermarriage, that bane of small communities, productive alike of corporal infirmity and mental imperfection, was very frequent, especially among the upper classes, with the view of preserving wealth in the same family; and the few alliances contracted with strangers were chiefly with the officers of the garrison. It is only since the date of steam communication, that the intercourse with England has been sufficiently frequent and regular, as to produce a lasting effect on the aboriginal population. In 1778, the first government packet employed between the Channel Islands and the mother country was a cutter, commanded by Capt. Sampson, which, soon after war broke out with France, was removed from the station between Dover and Calais, and plied as often as practicable from Southampton; but when peace took place in 1783, she returned to Dover. Previously, and subsequently to this period, letters for the islands were addressed to the care of agents at Southampton, who paid the postage, and transmitted them by the traders,—small sloops of about forty to fifty tons. And even while the packet ran, the letters were forwarded by her in the same manner through the agents, as there was then no regular post-office in either island. During the two wars with France, commencing in 1778 and 1793, the Southampton traders frequently came under convoy, and the uncertainty and dilatoriness of this mode of communication, both for correspondence and passengers, will be apparent from the fact, that a gentleman now living, a jurat of the royal court, was nearly three months on his passage from Southampton to Guernsey.

He embarked during the summer of 1793, in a trader commanded by the late Captain Brehaut, and reached Cowes in a few hours, where they were joined the next day by the convoy from Portsmouth. They weighed anchor and sailed several times, but never got beyond Yarmouth, being baffled by contrary winds and calms. At length a fair wind came, to the great relief of the passengers, and they crossed over in safety.

In 1794, two post-office packets, both cutters of about eighty tons, commenced running weekly from Weymouth to these islands; their names were the *Chesterfield*, Captain James Wood, and *Rover*, Captain Joseph Bennett; they sailed alternately on the Saturday evening, and, with a fair wind, reached Guernsey on a Sunday morning. In 1811, another cutter, the *Sir Francis Freeling*, was also placed on the station, and from that time the packets have continued to ply twice a week, leaving Weymouth on the Wednesday and Saturday evenings. These sailing packets were frequently from thirty-six to forty-eight hours reaching Guernsey, and in winter the arrival of two or three mails by the same packet was no uncommon occurrence.

During the greater part of the war with France, from 1803 to 1814, and until the establishment of steamers, the communication between Southampton and Guernsey was maintained chiefly by three cutters, of about eighty tons each, the *Diligent*, *Æolus*, and *Brilliant*, which had no fixed days for sailing, but crossed as often as their cargoes and the winds permitted. These cutters were fortunate enough to run, during and after the war, without loss or capture. It is true that the *Brilliant* was for some hours in the hands of the enemy, having, in 1813 or 1814, been captured by an American privateer, and despatched for a French port; but the prize master, mistaking Alderney for the coast of France, gave charge of the

helm to a seaman of the *Brilliant*, who, happy to escape imprisonment, wisely kept up the deception, and steered the cutter into the harbour of Alderney, where she was immediately retaken.

In 1824, two steamers, of about seventy horse power, the *Ariadne* and *Lord Beresford*, commenced running, in summer each weekly, to Guernsey and Jersey; the former from Southampton, and the latter from Portsmouth; their fares being one guinea and a half in the main cabin. The following season, 1825, the *Lord Beresford* plied also from Southampton. They have since been replaced by the *Lady De Saumarez* and *Atalanta*, vessels of much greater size, power, and speed, which now run twice a week each in summer, and their fares are reduced to one guinea. Since 1835, the communication with Southampton has been kept up once a week in winter by one of these steamers.

In 1827, a few years after the introduction of mail steamers on the Holyhead, Liverpool, and other stations, the three Weymouth sailing packets were replaced by two steamers, a third being placed on the station in 1828; and since that period the post-office service has been carried on by steam navigation, and on no station is the mail more efficiently conveyed. The arrival of two mails by the same packet is now as uncommon, as it was formerly a frequent occurrence.*

In 1826, the *Sir Francis Drake*, steamer, commenced running between Plymouth and the islands, and has since performed the passage weekly in the summer months. A steamer also plies now three times a month, throughout the year, between London and the islands. By these several channels, and others from

* Since the packets commenced running in 1794, from Weymouth, four have been captured or lost, viz. :—The *Chesterfield*, captured about 1811, by a French privateer, and carried into Cherbourg, with some of her passengers and crew killed and wounded; the *Hinchbrook*, wrecked on Alderney, on the 2d of February, 1826, crew and passengers saved; the *Sir Francis Freeling*, supposed to have foundered in September, 1826, in a violent gale, on her passage from Weymouth to Guernsey; and lastly, the *Meteor*, steamer, wrecked in a thick fog on Portland, passengers and crew saved.

Jersey to Granville and St. Malo, a rapid and regular intercourse is kept up with England and France. The journey to London, by the Southampton railway, may now be accomplished in fifteen hours.* This facility of communication, coupled with the recent insular improvements, attracts annually great numbers of visitors, every one of whom necessarily leaves some money in the island, and thus increases its commercial wealth. It has also effected a considerable change in the mode of transacting business: formerly, nearly all goods were purchased of travellers; now, the tradesmen periodically visit the London markets, and become their own buyers, though the old system still obtains to a certain extent. All these circumstances have tended to change the Guernsey character, which, without losing its native distinctiveness, especially in the country, has gradually moulded itself into English habits and wants. This is visible in most of the shops, which, of late years, exhibit a London appearance, the old fronts having been removed and replaced in the metropolitan style. Indeed there are establishments in Guernsey, which rival those of any provincial town in the mother country, both in external appearance, and of the quality and variety of articles, both of English and French manufacture, especially the latter.

The gradual accumulation of wealth in Guernsey is accurately shown by the tax list, of which we have been favoured with a copious detail, so far as relates to the town parish, by F. B. Tupper, esq. To that statement may be added 56,728 quarters, the taxable property of the nine country parishes, in 1839, the last rate completed, as follows:—St. Sampson, 3,460; Vale, 4,805; Câtel, 14,977; St. Saviour, 6,010; St. Peter-in-the-Wood, 7,049; Torteval, 1,088; Forest,

* The trip to London was considered such an undertaking about a century since, that, it is said, the inhabitants frequently made their wills before they embarked. On their return home they were sometimes detained weeks at Southampton, either by contrary winds, or the want of a conveyance.

2,860; St. Martin, 10,494; and St. Andrew, 5,985 quarters:—

"The first tax list existing in the constables' office is dated in 1715, the constables and douzeniers of the parish of St. Peter-Port, duly authorized by the chief pleas, having, on the 8th of March, proceeded to raise 500 livres tournois (£35 14s. 3d. sterling), to purchase powder, matches, and other ammunitions of war, required for the magazine of the said parish. The inhabitants were then assessed at 16,531 quarters, on which $7\frac{1}{2}$ deniers (about one half-penny) were levied per quarter. The highest rates were those of Thomas Le Marchant, Peter Etienne (Stephens), and John De Sausmarez, bailiff, assessed at 500 quarters each,—a large property in those days, and the lowest rate was five quarters. This tax list is signed by John Bouillon, and Daniel Painsec,* constables, Richard De Jersey, Nicholas Carey, John Manger, Abraham Monamy, James De Havilland, John Dobrée, A. Le Messurier, Nicholas Dobrée, Joshua Gosselin, John Tupper, Thomas Gosselin, Henry De Jersey, James Perchard, and John Bowden, douzeniers.

"The next tax list also bears date in 1715, the inhabitants having, on the 21st of March, been duly assessed for 700 livres tournois, to pursue the cause against Mr. William Le Marchant, relative to l'Hyvreuse, before king in council.

"The third tax list is dated in 1720, when 1,000 livres tournois were levied for the repair of the guard-house at Fermain, the rent of the guard-house at Belgreve, the purchase of powder, and other parochial wants. The inhabitants were this year assessed at 17,648 quarters, Thomas Le Marchant, sen., paying, on 600 quarters, the highest rate.

"The fourth tax list is dated in 1724, the constables and douzeniers having, on the 14th of December, proceeded to raise 4,000 livres tournois (£285 14s. 3d.) for the relief of the poor. The inhabitants were now assessed at 23,200 quarters, and the rate was 3 sous 6 deniers (three pence sterling) per quarter. The highest amounts were—Nicholas Dobrée, Thomas Le Marchant, and Peter Carey (de la Brasserie), rated at 600 quarters each. This is not stated as being the first tax raised for the poor, but, having made reference to the account books in the hospital, I find that it was so, as will appear by the following extract from the account current of the collectors for that year, viz., 'Pour la première taxe levée sur les habitants de la dite paroisse, le 14 de Décembre, 1724, pour la subsistance des dits pauvres.' The oldest account of the collectors, now existing in the hospital, is dated in 1634, when, and previously to 1724, the poor were relieved by rents and money bequeathed for that purpose by charitable individuals, contributions at the communion table and church door, and fines exacted by the royal court. They appear also to have been relieved as the *pauvres honteux* now are, as the hospital was not built till 1742.†

"From 1724, the inhabitants of St. Peter-Port appear, by the books in the constables' office, to have been annually assessed, with occasional intermissions, as at present, for the various parochial wants; and I now proceed to give details of the assessments, every ten years, commencing with 1730.

"In 1730, the inhabitants raised 4,000 livres tournois on 20,878 quarters, charged at 3 sous 10 deniers per quarter, and payable in four instalments. The highest amount paid was by Peter Stephens and son, rated at 600 quarters.

"In 1740, the assessment for the poor was also 4,000 livres tournois on 21,894 quarters, at 3 sous 6 deniers per quarter. The highest tax was that of Thomas Le Marchant, rated at 600 quarters—the lowest tax was 5 quarters.

"In 1750, there is no record, but in 1751 I find that 4,000 livres tournois, payable in two instalments, were again raised for the poor, 'in the hospital,' on 25,278 quarters, at 3 sous 2 deniers each. Thomas Le Marchant was taxed at 800 quarters, the highest rate, and the lowest was still 5 quarters.

* A singular conjunction of names, both now extinct, as well as that of Monamy.

† The individuals who had charge of the poor, were styled "Diacres" until 1661, since which period they have borne the title of "Collecteurs des Pauvres."

"In 1760, two taxes were raised, viz., 4,000 livres tournois for the soldiers' quarters, cleaning muskets and bayonets, a new pump, &c., and 5,000 livres tournois for the hospital, both on 33,312 quarters, rated at 2 sous 6 deniers for the former, and 3 sous for the latter. This is the first year in which I observe any taxes of four figures, James and John Le Ray being rated at 1,200 quarters, and William Brock and his sons at 1,000 quarters. Of single individuals, the highest assessments are Thomas Le Marchant and James Le Marchant, rated at 700 quarters each. No inhabitant was rated this year under 10 quarters, as is the case at present.

"In 1770, the inhabitants were assessed 6,000 livres tournois for the poor, on 44,155 quarters, at 2 sous 9 deniers per quarter, and payable in two instalments. The entries of four figures this year, in one line, are as follow, viz., John Carey, and widow John Le Ray, 1,600 quarters; William Brock, sen., 1,350 quarters; heirs of William Brock, jun., 1,300 quarters; widow and son of Peter Stephens, 1,260 quarters; John Brock, jun., 1,100 quarters; and Thomas Carey and children, 1,000 quarters.

"In 1780, three assessments were made, viz., 1st of March, 10,000 livres tournois, on 61,930 quarters, at 3 sous 3 deniers each, for parochial debts and other public expenses; 1st December, 8,000 livres tournois, on 61,925 quarters, at 2 sous 9 deniers each, for the same purpose; and 1st of December, 6,000 livres tournois for the poor, also on 61,925 quarters, at 2 sous each, together 24,000 livres tournois (£1,714 5s. 8d. sterling), and the rate 8 sous (nearly seven pence) per quarter. The individuals highest rated on the 1st of December, were John Carey, 1,950 quarters; Elisha Tupper, 1,850 quarters; Nicholas Maingy, sen., 1,650 quarters; heirs of John Brock, 1,420 quarters; Peter Mourant, 1,400 quarters; and Richard De Beauvoir, 1,020 quarters. In the tax of the 1st of March, this year, £30 a year interest in the English funds were estimated at 40 quarters, and £1,000 capital, at 50 quarters, as at this moment, being the first notice of the kind in the tax books.

"In 1790, the assessment was 7,000 livres tournois on 77,100 quarters, at 2 sous each, for the hospital. There were seven individuals rated at four figures, of whom two at 2,000 quarters and above, viz., Elisha Tupper, at 2,300 quarters, and John Carey, son of John, at 2,030 quarters.

"In 1800, two taxes were levied, both on the 22d of May, viz., 10,000 livres tournois on 94,455 quarters, at 2 sous 2 deniers each, for poor strangers, pumps, lamps, rents due, &c., and 14,000 livres tournois, on 94,455 quarters, at 3 sous each, for the poor, and repairs of hospital, together 24,000 livres tournois, or nearly 4½d. per quarter. This year I find fourteen persons rated at four figures, of whom only one at 2,000 quarters or above, viz., Elisha Tupper, rated at 2,450 quarters.

"In 1810, five taxes were raised, viz., on the 28th of June, two sums of £800 sterling each, on 98,955 quarters, at 4d. each, for the hospital and constables; 5th of October, £1,901 3s. 1d. sterling, on 101,395 quarters, at 4½d. each, towards the high roads to Vason and Rocquaine; and 28th of December, £1,600 for the constables, and £1,200 for the hospital, on 96,075 quarters, 7d. each, making together, this year, £6,301 3s. 1d. sterling, and the rates 15½d. per quarter. There were twelve rated at four figures, of whom two of 2,000 quarters, viz., Sir James Saumarez, 2,800 quarters, and James Carey, 2,000 quarters. It was in 1804 and 1805 that the calculations were first made in sterling, and that those in livres tournois were discontinued.

"In 1820, three taxes were also raised, the whole on 137,760 quarters, viz., £1,600 sterling, for pumps, lamps, &c., and £1,600 for the hospital, both at 2½d. per quarter, and £600 for the *pauvres honteux*, or external poor, at 1½d. per quarter, together £3,800, collected at 6½d. per quarter. Twenty-six persons were now rated at four figures, of whom seven at 2,000 quarters or above, viz., Sir James Saumarez, 5,000 quarters; John Allaire, 4,900 quarters; Thomas Priaux, 4,500 quarters; Carteret Priaux, 4,200 quarters; Peter Stephens, 2,500 quarters; Anthony Priaux, 2,150 quarters, and widow and children of Daniel Tupper, 2,050 quarters.—On the 10th of February, this year, the royal

court decided that the taxes should be raised, for the present, on income as heretofore, and not on capital, as sought by some of the parishioners, who urged the injustice of their income, and not their capital, in the French and other foreign funds, being taxed, those funds being then considerably under par, and yielding 7 to 8 per cent. on the capital invested. But, by an entry in 1824, I find that the system was then changed, and capital became, as it now is, the basis of parochial taxation, property of any kind, worth £1,000, being assessed at 50 quarters. Although this system is analogous to that established in 1780, as already cited, yet it bears hard on those whose income is derived from the English funds,—for instance, this year (1840), the 3 per cent. consols were assessed at 88, and an individual possessing £1,000 consols was charged for 44 quarters, although the interest was only £30. It is, however, manifestly impossible to establish any system of taxation which will not press unequally on some individuals, and I think the present mode as equitable as will ever be attained, while the property of the parishioners is invested in so many channels quite unknown to our ancestors.

"It may be well here to observe, that the immense increase of 38,805 quarters between 1810 and 1820, was owing, in a great measure, to the fortunate investments of many of the parishioners in the French funds, after the peace of 1814, large sums having been transferred from the English funds and other sources into the French 5 per cents. under 60 and 70, by which means the incomes of many were increased by at least one-third, and a proportionate increase in the number of quarters naturally followed, income and not capital being then, as I have already observed, the rule of taxation.

"In 1830, three taxes were raised simultaneously on 150,805 quarters, viz., £1,400, at 2½d. per quarter, for the hospital; £700, at 1½d., for the *pauvres honteux*; and £1,500, at 2½d. for other parochial purposes; together £3,600, or 6½d. per quarter. In this year I find twenty-one individuals possessing incomes of 1,000 quarters and above, of whom five were assessed at 2,000 quarters and above, viz., John Allaire, 5,500 quarters; Thomas Priaux, 4,200 quarters; John Carey, son of John, 2,120 quarters; Hilary Rougier, 2,075 quarters, and Joseph Collings, 2,000 quarters.

"In 1840, the following taxes were raised on 152,930 quarters, representing a capital of £3,058,600 sterling, viz., £1,400 for lamps, pumps, poor strangers, &c.; £1,800 for the hospital; £1,100 for the external poor, or hospital out pensioners; and £150 for the parish church, together £4,450 sterling, collected by a tax of 7½d. per quarter, from 825 rate-payers, whose property thus averaged £3,700 capital, or about £185 annual income. It is well to mention now, that the *douzaine*, to avoid fractions, and to allow for the deduction of individuals over-taxed, usually fix the rate a little higher than the amount actually required. In this year I find twenty-one individuals of four figures, of whom seven of 2,000 quarters and above, viz., John Allaire, 7,000 quarters; Thomas Priaux, 3,200 quarters; Mary Le Marchant, 2,450 quarters; John Carey (queen's receiver), 2,350 quarters; Sir William Collings, 2,310 quarters; Hilary Rougier, 2,300 quarters; and John Collings, 2,000 quarters. In 1838, the property of the parish was rated higher than it had ever been, viz., 156,350 quarters, on which £5,537 7s. 11d. were raised at 8½d. per quarter. The falling off this year (1840) is chiefly owing to a serious depreciation in the value of the shares of the 'Bank of the United States,' at Philadelphia, in which many of the rate-payers are interested, to the extent, it appears, of about £150,000 original cost, and which, within the last year, have declined from about £25 to £15 per share of 100 dollars.

"My task approaches its termination, and I hasten to conclude it by a few general observations. It has already been shown that, in the space of one hundred and twenty-five years, the wealth of the parish has augmented nearly tenfold, the annual average being 1,091 quarters, although, considering the difference in the value of money and the mode of living, it is probable that 500 quarters income, in 1715, were fully equal to 1,500 quarters at this day. In 1715, and for many years subsequently, the greater part of the property of the higher ranks, which was taxed, consisted in 'rentes foncières,' or perpetual mortgages on the insular estates and houses; now, it is chiefly invested in public securities, and partially in

shipping, trade, houses, and furniture. It is of course very difficult to predict the future rule of the property of the town parish; but with the present doubtful commercial prospects, and the more expensive habits and wants of the existing generation, it is not probable that the annual increase will continue, at least in any thing like the same ratio. On the other hand, as long as the British and French governments keep faith with their creditors, no serious diminution is to be apprehended, unless, indeed, the division by degrees, of the large fortunes now existing, have that tendency. But should these two governments become either unable or unwilling to pay the interest of their debts, it is to be hoped that the reduction will be gradual, as any sudden stoppage would be attended in this parish with effects too disastrous to dwell upon or contemplate.

¹⁴ For the information of strangers, it may be well to add, that a quarter of rent is estimated at £20 capital, or £1 annual income; this has always been a general rule, but the income has occasionally varied, as now, with the price of the funds. A livre tournois is divided into 20 sous of 12 deniers each, and is worth 1s. 5 $\frac{1}{2}$ d., 14 livres tournois being equal to one pound sterling."

We have already alluded briefly (page 219) to the corn bill of 1821, which threatened the ruin of Guernsey, and was, since the peace, the most serious blow aimed at its commercial welfare. But the energetic remonstrances of the bailiff, Mr. Brock, whose name is identified with every public improvement effected in his native island, and of Mr. James Carey, a jurat of high talent and enlarged experience, induced the ministers of the day to abandon that most odious, unjust, and arbitrary measure. The nature of that bill, and the consequences to which it would have led, cannot be better understood than by the arguments used by the bailiff in his *billet d'état*, dated the 8th of September, 1821, which are subjoined.

By the 27th clause of an act of parliament, passed on the 10th of July, 1821, it was enacted, "That, whenever the ports of the United Kingdom are closed against the importation of foreign corn or flour, for internal consumption, the ports of the Isle of Man, and of the islands of Guernsey, Jersey, Alderney, and Sark, shall, in the same manner, be closed against the importation of foreign corn or flour, for the internal consumption of the islands." And, by a preceding act of parliament, the ports of the United Kingdom are always to be closed when the price of wheat is below eighty shillings per quarter, which was at the rate of eight shillings the Guernsey bushel. In the

state of things at that period, wheat, which cost eighty shillings in England, could not have been sold in Guernsey currency at less than ninety shillings per quarter, or nine shillings the bushel; so that the consumption of foreign corn would have been prohibited, had the plan succeeded, until the price reached thirty-six shillings the Guernsey quarter, or nearly treble its cost in plentiful harvests. Under these circumstances, the bailiff delivered the following address to the states :—

“ Since the establishment of the states, a subject of graver importance never engaged their attention. The free importation into the island, of the produce of all countries, is a matter of right. Our charters formally declare that we have enjoyed it from time immemorial,—they recognize it, they fully confirm it. Shall we, then, in opposition to these authentic titles, guaranteed by the prescription of so many centuries, be suddenly called upon to view corn in the light of a contraband article ?

“ Under favour of our privileges, and on public faith, our population has increased two fold or three fold more than the soil can support. Is it possible, then, that any intention should exist to deprive us of every resource, to take away the very means of our subsistence ?

“ False calculations and mercantile jealousies have already deprived us of nearly all our trade. The English colonies,—the Indies, are closed against us. A Frenchman, an American, may enter, and traffic in, the ports of the rich provinces subject to England, and traverse the seas of Asia; we dare not pass the Cape of Good Hope.* The regulations which contemplate the prevention of fraud in England, are now made use of to prohibit the trade we carried on with foreign countries, and while every encouragement is given in France to English smugglers, Frenchmen and other foreigners, who frequent our port, are not permitted to take away the smallest quantity of salt, tobacco, or spirits. We have neither mines, nor manufactures, nor home trade; we can only exist by the low price of corn, and the greatest industry in those branches of commerce which yet remain for our pursuits. To deprive us of the faculty of obtaining corn from a foreign market, would be to deprive us of one of those branches; to oblige us to pay for it twice as much as we can procure it for elsewhere, would be to take away one half of their provisions from those who can now barely afford necessaries for their families. In a general point of view, the prohibition would be fatal to commerce, to the population and prosperity of the island. Strangers, attracted by the low price of living, reside here in great numbers, and create a large circulation of money, but they would retire to France if they found bread dearer here than in their own country or the continent.

“ But there are private reasons and circumstances, which alone should suffice to annul this clause. The price of wheat has always regulated, and still does regulate, with us all transactions relating to inheritances, successions, and family allotments, sales of lands and houses, perpetual rents due on both, whether in town or country. Forcibly to double the price of wheat, would be to double all the engagements of debtors to their creditors; it would disarrange and disorganize the nature of contracts and properties. This subversion of the existing state of things would not, in the majority of cases, benefit the creditors, who have frequently only as much corn to receive as their families can consume, and who, more frequently, would be involved in inevitable losses, the consequences of

* This restriction was removed, in a great measure, in 1834.

suisses, which would extend from one to the other by the certain laws of a progressive movement, and which would succeed each other with frightful rapidity.

"The limits of this *billet* cannot include the detail of all the disastrous consequences of this prohibition. If no one can deny that it would be in contradiction with the written and express law of the island, law recognized and confirmed by the sovereign; that it would be fatal to general prosperity, and individual interests; that it would change the nature of obligations, and disturb the peace and harmony of society, we may proceed to examine the motives in which it may have originated.

"The public taxes on land are such in England, that at the present price of corn, although it is double that of foreign corn here, there are estates which farmers refuse to take on lease on the sole condition of paying those taxes, without any rent whatever to the proprietor. There, the interests of agriculture are bound up with the interests of other classes of society,—they are dependent one on the other; the agricultural interest is also linked with the government, which cannot raise the public revenue without the protection it gives to land, by prohibiting foreign corn.

"What would be a great evil elsewhere, becomes in England a remedy against still greater evils: but to desire to associate us with it,—us who are a body apart, exempt from the same wants, and incapable of participating in the benefit it might produce,—it would be as though a mother sought to cure a contagious disease by communicating it to her child.

"Let me recall what happened in 1805. England had to struggle against all Europe; her political existence was at stake; her revenue was more than ever necessary for her defence. Mr. Pitt, seeing the ports of the continent closed against smugglers, thought the moment favourable also to close those of the Channel Islands. Although the danger to which the country was exposed might have justified the strongest measures, it is worthy of remark, that none were taken which assailed our privileges, or which deprived us of the right of exporting or importing merchandise as in past times; it was only by regulations on the size and capacity of casks, the dimensions of bales, the tonnage of vessels, and precautionary securities, that he sought to prevent exportations injurious to England; he continued to us the right of receiving every thing, and did not interfere with our municipal laws,—our administration, jurisdiction, or internal privileges. Nothing could be seized or confiscated unless water-borne.

"It is well also to remark the precautions, the regard, the consideration which preceded those regulations. In 1800, one of the principal officers of the customs was deputed by government to confer with the authorities and inhabitants of the island. Peace was proclaimed before anything definitive was settled. In 1804, government gave the bailiff official notice that the affairs of the island would probably be discussed in the course of the ensuing session of parliament; nothing, however, was concluded during that year, and before the next session of 1805, another official communication from government was received to a similar effect. Before the bill was submitted to parliament, an outline of it was forwarded to a deputy of the states; great alterations were introduced, and, after all, we were heard at the bar of the two houses of parliament.

"At this day it is not of simple regulations that we complain,—it is of the privation of the most important of our rights, the right of general importation which is now attacked in an article of prime necessity; we complain of the manner in which that right is assailed, at the tail of a law regulating the price of corn, and at the moment when the session is about to close,—without previous notice, without being heard, without being enabled to have a full knowledge of the subject.

"The most trifling rights and interests are respected in England, and this constitutes its power and wealth, by the confidence which the right of property inspires, and which every one knows to be sacred in his own person. On our part we protest against a clause incautiously introduced by his majesty's government,—against a prohibition which would sacrifice the rights of the inhabitants, the property of individuals, and the prosperity of the island, to the imaginary interests of some persons who do not foresee the fatal results of the measure they recommend.

"I have thought it my duty to dwell forcibly on this subject, which, in importance, cannot be compared with any event which has occurred in our history. The question involves the welfare, if not the very existence, of two thousand families, out of two thousand three hundred and sixty-three located in the town; and of fifteen hundred families, out of eighteen hundred and thirty dwelling in the country: the fate which threatens them has produced a deep impression on my mind,—the Carthaginians prohibited the inhabitants of Sardinia and Corsica from cultivating their soil, under the penalty of death, to oblige them to draw their corn from Africa. We have not sufficient land to cultivate, yet we are to be debarred from cultivating the only field open to our industry, and one which commerce and navigation render productive.

"Our laws, our customs, our charters, constitute our legal defence; without that defence, the peculiar circumstances of our locality ought to suffice for our protection. We will then confidently address his majesty's government with arguments for our friends, with justice for our support."

This manly, spirited, and statesmanlike address was unanimously adopted by the states, and its sentiments were energetically applauded by the whole population, whose well being depended upon its issue.

Having, at page 220, entered so fully into the corn question of 1834-5, we shall now merely subjoin an extract of the report of the commissioners of the customs to the board of trade, relative to the alleged illegal importation of foreign corn from the Channel Islands into England, dated the 29th of July, 1834, and presented to the house of commons on the 23d of March, 1835, as follows:—

"With respect to the islands of Guernsey and Jersey, from the best information which we have been enabled to obtain, it would appear that the annual quantity of grain, grown in Guernsey and Jersey, is as follows:—

	Wheat.	Barley.
Guernsey.....	4,595 qrs.....	3,789 qrs.
Jersey.....	10,347 qrs.....	2,897 qrs.

And that the above, as respects Guernsey, is about one-fourth of the quantity consumed in the island; and, as respects Jersey, about one-half.

"That, on an average of the last five years, the quantity of foreign grain imported, has been—

	Wheat.	Barley.
Guernsey.....	18,494 qrs.....	5,967 qrs.
Jersey.....	20,795 qrs.....	3,680 qrs.

And the quantity of grain exported to the United Kingdom, has been,—

	Wheat.	Barley.
Guernsey.....	6,444 qrs.....	226 qrs.
Jersey.....	7,358 qrs.....	2,037 qrs.

"Thus, it would appear that the quantity of wheat annually exported from Guernsey to the United Kingdom, has exceeded the quantity grown in the island by upwards of 2,000 quarters; and it is manifest, therefore, that a considerable portion of the wheat so exported, has consisted of foreign wheat; and the only way in which the fraud could have been effected, has been by the exporters making false declarations as to the produce of the wheat; and, although the quantity exported from Jersey has not exceeded the quantity grown in the island, there is

reason to believe that similar frauds have been committed, in that island, by the same means; but we have not been enabled to ascertain the extent to which such frauds have been carried on, or to discover the guilty parties."

In giving the preceding extract in their own report of the 17th of June, 1835, the select committee of the house of commons proceed to remark, that—

"The statement upon which this reasoning was founded, seemed, however, to be at variance with a return which had been furnished to the commissioners of the customs by Mr. Weston, (a gentleman connected with that department, who had been sent over to the islands to examine into the subject,) and which was annexed to their report, from which it appeared, that the average quantity of wheat and barley, imported duty-free into this country, as the produce of Guernsey and Jersey, during the last five years, have been,—

	Wheat.	Barley.
Guernsey	539 qrs.	86 qrs.
Jersey	1,611 qrs.	1 qr.

"The board of trade, accordingly, in a communication to the commissioners of the customs, adverted to this discrepancy, as well as to the statements which had been made by the deputies from the islands, who had come to this country for that purpose.

"Your committee beg to call the attention of the house to the answer given by the commissioners of the customs, which will be found in the appendix, as well as to the evidence of Mr. Dean, the chairman, who was examined by the committee on this subject. It clearly appears that the commissioners had inadvertently confounded the grain imported into this country, avowedly as foreign grain from the islands, with that imported as island grain under certificate and duty-free; and they seem also to have confounded the foreign grain exported from the islands, as such, into this country, with the foreign grain exported from them to other countries."

In 1826, Sir Robert Peel intimated to Sir John Colborne, the lieutenant-governor of Guernsey, the intention of government to introduce British currency into the islands, which intention Sir John communicated to Mr. Brock, the bailiff, who wrote the following letter on the subject to his excellency:—

"*Court-house, Guernsey, July 6, 1826.*

"Sir,—On the general question of currency, I see reason more and more to regret that the standard of the gold coin was not reduced at the peace to the value which it bore in paper. The alteration or lowering of the standard of the current coin, or, what is the same thing, the raising of its nominal value, is an evil in itself, and attended both at home and abroad with many bad consequences; but when a paper currency has usurped the place of gold and silver, there can be no inconvenience in bringing back into circulation the gold and silver coins themselves at the same value as the paper before represented. When it requires twenty-seven shillings in paper to buy a guinea, or six shillings and six pence to buy a crown, why not make the coins themselves pass at the same rate? If England were now to adapt its standard to that rule, this alteration would only be confirming, by law, that which before existed in fact; would change nothing in the state of things at home, or in our relations abroad; it would simply substitute the money itself to the paper by which it was represented, and at the same rate: this would make nothing worse for the present, and prevent greater evils for the future.

"In the choice of evils which presented themselves at the end of the war, I do still think this would have proved the least. It would have lightened the weight of the debt, and taxes, without any injustice to the creditor, and without taking any thing from the value of the land. The farmers would have paid rents in the same currency as that in which the obligation had been contracted, and would not have experienced that ruin which was brought on them by resuming the former standard of a gold currency.

"In this island, the French coins have always been, and still are, the currency, according to the value which has been affixed to them, generally by common consent, and frequently by order of the royal court.

"Accounts were, till very lately, kept in livres tournois, sols, and deniers, all over the island; they are so kept at this day all over the country, and partly in town. The king's and private rents, payable in money, are all expressed in livres tournois in the Extents and contracts. The Extent of Edward the Third positively says, 'that all the sums due shall be paid in the same money as is used by the inhabitants of Normandy.' 'Toutes choses promises et singulières doivent être payées en telle monnaie de laquelle les hommes de Normandie usent, tant des choses appréciables que d'autres choses touchant les choses devant dites.'

"There is a duty paid to the king under the name of FOUAGE or MONEAGE, so much for every house where fire is kept; and this is paid as a condition that the money current in Normandy shall be continued to be received in payment of the rents and dues belonging to the crown. The Extent of Edward the Third says, 'Et est payé par cause sous écrite, c'est à savoir, que toute la compagnie de toute l'isle se puisse bien et dument acquitter envers le roi de toutes les rentes dues au dit roi par telle monnaie, ou pour tel prix pour laquelle la communauté de la duché de Normandie se peut acquitter vers le roi de France pour autres rentes qui lui sont dues.'

"In the Extent of King James the First, in 1607, under the head of FOUAGE and MONEAGE, it is said: 'Item, all the tenants and inhabitants of the Fee Le Roi do owe, on every third year, at Michaelmas only, for a rent or duty called FOUAGE, which is for every house keeping fire, twelve deniers tournois, for this cause first granted by all the inhabitants of this isle to the dukes of Normandy, to the end that money then current amongst them might be continued in payment according to their value as they then went for, were accepted by the French king of the commonality of Normandy.'

"In Warburton, at the word MONEAGE, is the following passage:—'Un droit qu'on payait autrefois au duc de Normandie, de trois ans en trois ans, de douze deniers par feu, afin qu'il ne changeat pas la monnaie courante.'

"A complaint was made to the commissioners in 1607, 'That the king's receiver doth constrain them to pay him their rents and other duties which they owe in money to his majesty, at a less rate than it is current in the isle, and than he uttereth it, and therefore they do desire that there be but one rate between the governor and the people.'

"Answer.—'It is by us thought meet that the governor shall pay his moneys unto all his officers and soldiers, and to all other inhabitants of the isle, after the same rate and value which his receiver took and valued the same of any of the said inhabitants, and not at any less rate; and that as well the king's officers, as also all others of the inhabitants, shall pay and receive one and the self-same species of money at one and the self-same price, so that neither his majesty nor his subjects be thereby defrauded in any sort, provided, nevertheless, because this seemeth to concern his majesty's prerogative, we require our order herein to be no longer of force than it shall stand with the good liking of the lords of his highness's most honourable privy council.'"

This letter from the bailiff seems to have changed the views of Sir Robert Peel; at any rate, no ulterior measures were adopted, and the local currency re-

mained on its old footing. This was a fortunate circumstance for Guernsey, for, had the English standard been adopted in the island, the effect would have been to raise all rents and hypothecated securities from six to seven per cent. The views entertained by Mr. Brock on this important subject, which he first made known, in a Guernsey newspaper called the *Publiciste*, of the 12th of December, 1812, prove the foresight and sagacity of this eminent statesman, whose fitting station would have been in Downing-street, were personal merit and usefulness the recommendation to office. Had he presided over the councils of England, she would not be now suffering under the effects of injudicious and short-sighted tampering with the currency.

Though the history of the English currency does not, in strictness, form any part of the history of Guernsey, yet a brief summary of it from Mr. Medley's pamphlet may here be introduced without much apology, in order that the islanders may perceive, from its consequences to the mother country, what would have been its results to themselves, so far as its principle operates, had it not been resisted by Mr. Brock.

For 200 years prior to the late war, the currency of England was the same as on the continent; and, therefore, during that period, prices, property, and labour in England were kept down at about the continental level.

In 1793, England increased its paper circulation largely, the bank then issuing, for the first time, £5 notes; and in 1797 the currency was released from the metallic standard, and adopted for twenty-two years at a purely mathematical or artificial currency, which doubled all prices permanently.

The whole property in the empire, calculated in this artificial currency, and in these doubled prices, at twelve shillings to the bushel of wheat, and all other things in proportion, was estimated by Dr. Colquhoun, in 1812, at 3,800 millions.

In 1815 and 1816, England made an attempt to make all this prodigious mass of fictitious valuation convertible into real values, by subjecting it to be reducible into gold at the ancient standard of one ounce of gold to every £3 17s. 10½d. of price, and the consequence of this was the extreme depression of prices which astonished the nation at that period.

In 1817 and 1818, England thought it prudent to discontinue its exertions for this object, and to increase the circulation of legal tenders by enabling the bank to issue additional quantities of notes in their purchases of the national debt, and the consequence was the extreme advance on all prices, which immediately relieved the nation.

In the autumn of 1818, and during 1819, 1820, and 1821, England made another attempt to accomplish the great object stated, and the consequence was another extreme depression of prices. By adopting the continental standard, prices slowly, but gradually, fell to the continental level.

The great depression of monied prices would naturally have alarmed the community, even if no monied obligations had been fastened on them; but between 1793 and 1819, England had contracted one thousand and forty-seven millions of the debt,—and, at least, one thousand millions of private debts and obligations. Now all this mass of private and public obligation received the sanction of the law, and carried with it the power of the sheriff's warrant to secure it. Thus, in 1812, when Dr. Colquhoun estimated the property of the empire at 3,800 millions,—the monied obligations of 200 millions of debts, rents, tithes, and taxes amounted to rather more than one-half of that whole property. Now, in 1812, this valuation of 3,800 millions was fictitious, mathematical, or ideal. *It did not command by law a single ounce of gold.* But in 1819, the government thought proper to render it convertible *by law* into thirty-six thousand tons of

solid gold, which is probably more gold than exists in nature, either under the earth or over the earth.

Such was the appalling mischief produced by ignorant legislation; but Guernsey may boast that one of her countrymen foresaw the danger in 1812. We have already narrated the measures adopted by the merchants, at the suggestion of Mr. Brock, to raise the denominative value of coins to their market or exchangeable value, and the beneficial results that followed. Had similar principles been acted upon by the British legislature, they would at once have satisfied justice and sound policy.

In 1837, Sir William Collings, a jurat of the royal court, and a gentleman whose patriotic zeal for his country is gratefully recognized by his fellow-citizens, devoted considerable time in negotiating with the British government to permit the export of tobacco from Guernsey. Sir William had turned his attention to this subject in 1822, having gone up to London in 1821 to remonstrate with Lord Sidmouth, then home secretary, against the extension of the English corn bill to the Channel Islands. That measure having been satisfactorily concluded, as already stated, Sir William succeeded in obtaining the modification of the act of 1805, so far as the export of rums in small packages was affected, but he failed in the attempt to include the export of tobacco. However, he kept this matter steadily in view, and, in 1837, obtained this tardy act of justice from government.* It was first proposed that bonds should be given, but that arrangement was afterwards abandoned, for it was at once seen that, if enforced, they would have shown the course of trade, and might thus have exposed French exporters of tobacco to the *surveillance* of their own douaniers and prefects. The board of trade,

* On the 27th of July, 1839, there were fifty or fifty-one French vessels, chiefly chasse-maries, in the roads and pier, taking shelter during westerly gales, and it is well known that no French crew puts in without purchasing British woollens, tobacco, rum, &c. Indeed, the coasters often call here expressly for that purpose.

therefore, conceded the privilege without restriction ; the fact of the export of rums, granted since 1822, never having been perverted to the detriment of the British revenue, was calculated to win confidence, and convince the government that concessions granted to the Channel Islands would not be abused. That confidence, we are sure, as regards Guernsey, will never be abused ; indeed the royal court immediately framed an ordinance, affixing severe penalties on whomsoever should attempt to smuggle tobacco into the United Kingdom.

It has already been stated that the great rise in the wealth of Guernsey took place during the last wars, when, under the safeguard of the British flag, she enjoyed her full share of the carrying trade. With the return of peace, she had to encounter the full weight of European competition on the high seas. Hence her mercantile profits have been much reduced, and her shipowners are gradually withdrawing their capitals from speculations in cargoes of coffee, sugar, and hides from Brazil, River Plate, and Cuba, on their own account, and in their own vessels. This is the more to be regretted, as this business afforded lucrative employment to many natives of the island, established abroad as commission agents, and who, on their return, became shipowners themselves. In former times, worsted knit stockings, and under garments, called Guernsey frocks, were manufactured in the island to some extent ; but that handicraft has disappeared with the progress of machinery, and is now entirely discontinued, except for domestic purposes. The principal articles manufactured here are flour, cordage, soap and candles, tobacco and snuff, bricks, and Roman cement. The first manufactory of the last named article was established in 1819, and the first iron foundry, of which there are now three, in 1828. The export of stone to England commenced about the year 1760, but this branch of trade was

very limited until 1815, when it began increasing, and it received a considerable addition a few years afterwards, when spalls, or small stones for macadamizing, were first required. Between 300 and 400 vessels now load stone annually. Gas was first introduced in 1830, and the first steam-engine for grinding corn, of which there are now four, was erected in 1833; there are also many wind and water mills for this purpose. The first omnibus, or public carriage between St. Peter-Port and St. Sampson's, began running in 1837. Ship building commenced only soon after the peace of 1815, as before that period vessels were frequently sent to England to be repaired, but of late years it has been carried on to a great extent, there being generally about a dozen vessels on the stocks. The largest ever built here is one of 370 tons register. However, no circumstances during peace can render the island of any great importance in a commercial sense; the limited extent of territory and population, and the scanty amount of exports, forbid all such expectations, as few goods will bear the expense of being deposited here *en entrepôt* for the purpose of being re-shipped to other markets. But Baltic produce might be advantageously brought here in summer, and re-shipped to Brazil in winter, when the Baltic ports are frozen, if the expense of cartage could be saved. Thus, in the employment of capital, the shipowner must look for profit to the freight or carrying trade, and for this many vessels have recently been constructed, especially schooners, for the fruit trade. Previously to the year 1815, there were only two Guernsey vessels employed in the coal trade, but now the island is almost entirely supplied with coal by shipping built and owned in it.

CHAPTER III.

AGRICULTURE.

THE territorial surface of Guernsey may be stated at twenty-four square miles, or, reckoning 640 acres to the square mile, at 15,366 English acres. Deducting one-third for rocks, cliffs, and places not susceptible of culture,—and for houses, buildings of all sorts, streets and roads, say 5,120 ; there remain, fit for cultivation, 10,240 English acres.

An island whose productive surface thus consists of little more than 10,000 acres of orchard, garden, arable and pasture land, cannot be expected to afford a great variety, or any very enlarged system of agriculture. There are, however, circumstances connected with the tenure of property, its extreme sub-division, and fertility, and with the numbers and comforts of its inhabitants, which may suggest useful reflections to the farmer, the political economist, and the statesman of large countries. The tenure of property partakes of the double nature of land, held as a farm subject to the payment of annual rents, and as land held as freehold in perpetuity. A purchase may be made by the immediate payment of the price agreed upon, or by the payment of a part only, and the conversion of the remainder into corn rents to be annually paid ; or, finally, by converting the whole of the price into such rents. In the two last cases, where a part of, or the whole of the price is stipulated for in annual rents, the purchaser is, to all intents and purposes, as much the proprietor as in the first case, where the

whole price is paid down in cash, and so long as the stipulated rents are paid, he and his heirs can never be disturbed, but hold the land as freehold for ever. To the former proprietor, the rents are guaranteed by the land sold, and by all the other real property held at the time of sale by the purchaser free from incumbrance; and the rents being transferable, and such property being always in demand, money can be raised by their sales with as much ease as it could before on the land itself. Thus, without the necessity of cultivating the soil, the original possessor enjoys the net income of his estate, secured on the estate itself, which he can resume in case of non-payment, while the purchaser, on the due payment of the rent charged, becomes real and perpetual owner, having an interest in the soil far above that of farmers under any other tenure. Experience has proved that, under this tenure, a spirit of industry and economy is generated, producing content, ease, and even wealth from estates which, in other countries, would hardly be thought capable of affording sustenance to their occupants. And thus also arose two classes mutually advantageous to each other; the one living on its income, or free exercise of trades or professions; the other composed of farmers raised to the rank of proprietors, dependent alone on their own good conduct. The faculty of acquiring land in perpetuity, without paying any purchase money, is undeniably proved to have been of infinite benefit to the people of this island, but it is obvious that this source of so much good could never have existed, or could never continue, without a corresponding security, well guaranteed to the original proprietor of the land, before he parted with it.

This relation of landlord and tenant being peculiar to the Channel Islands, it may be advisable, for the sake of English readers to whom the system is a novelty, to explain it more fully by an example.

Suppose A possesses land valued at twelve hundred pounds, which he desires to *sell*, as we should say in England, or to *give to rent*, as the phrase runs in Guernsey,—the following would be the process. A would either convey his estate to B, the purchaser, wholly in quarters, without receiving any cash, or, as is the more usual mode, he would receive one-fourth of the price, and convert the remainder into quarters. One Guernsey quarter is equivalent to twenty pounds sterling, local currency. In the first case, B would have to pay annually to A sixty quarters, the interest on twelve hundred pounds, the assumed cost of the estate, at the rate of five per cent. per annum; in the second case, he would have to pay annually forty-five quarters. The reason why it is usual to pay one-fourth of the purchase money in cash is, that such payment may be some guarantee to A that B will faithfully work the estate, and pay the rent regularly; for, should the rent fall in arrear, then A, by a process called *saisie*, may totally eject B from the property, and the three hundred pounds paid by B, when the contract was passed, would be lost to him for ever. In this manner, then, is the seller or landlord secured in the receipt of the equivalent for which he has parted with the estate. As soon as the contract is executed, B can fell timber, convert meadow into arable, and arable into meadow, and perform any and every act that a tenant in fee-simple can do in England. The estate, thus acquired, descends to the heirs of the blood of the purchaser, lawfully begotten, and, on failure of direct issue, to his nearest of kin. Sometimes these annual quarters are made permanent, but most frequently they are redeemable by certain instalments, as the buyer and seller may have agreed. Their value may be fixed at a definite sum, as twenty shillings per quarter, or they may be fluctuating, so as to depend on the current value of a quarter of wheat, which latter is the fairest mode of computa-

tion; for, if corn is high, then the farmer can afford a high rent; and, if corn is low, he is relieved from paying more than his crop warrants.

Much, however, as we admire the system, when applied to land, we disapprove of it as much when applied to buildings with little or no land, as to make the rent of a house dependent on the price of wheat tends in many cases to deprive the proprietor of the means of purchasing bread for his family during a scarcity of corn. Many respectable individuals were ruined after the peace of 1814, because they had purchased houses, chiefly in the High-street of St. Peter-Port, for shops, heavily burthened with wheat rents, which they were unable to pay, owing to the sudden great depreciation in the value of the tenements, and to the failure of the corn harvests throughout Europe in 1816 and 1817. We would therefore earnestly caution others to take warning from their fate, and not to purchase any building under similar circumstances, making the rents payable in money only, if such rents be created, as, in the event of another war between England and the continent of Europe, wheat rents may again be fixed at £2 the quarter in place of 12s. 6d. to 15s. as they were before the late deficient harvests. A paternal legislature should interdict all sales of buildings on wheat rents in the same manner, as it renders all gambling transactions illegal. What gambling can be more cruel or pernicious in its effects than the ruinous fluctuations we are now describing? At least buildings so sold should be their own guarantee without any hold on the other real estate of the purchaser.

Landed property in Guernsey is extremely subdivided.* By a reference to the last population returns,

* The subdivision of land may, however, be carried to such an extent as to pauperize those inheriting and occupying it, and it would probably be well to affix a limit to the partition of estates, taking as a basis the quantity on which the proprietor could maintain a family comfortably. Such a quantity in Guernsey would be from eight to ten English acres, equal to twenty or twenty-five vergées, and any estate not exceeding that amount, ought, we conceive, to become the entire property of the eldest son, at his father's death, on payment of a fair rent to the other children, to cease as each became of age.

published in 1831, it appears that there were 1,748 inhabited houses in the nine country parishes, and 1,728 in the town parish. As the latter extends into the country a mile south, a mile west, and a mile north, there are more than 252 houses of the town parish that must be set down as belonging to the country, and added to the 1,748 houses of the nine country parishes. Reckoning, therefore, 2,000 houses in the country, and dividing between them the ten thousand acres fit for cultivation, the portion is five English acres, or $12\frac{1}{2}$ Guernsey vergées to each house. This portion is not, of course, equally distributed; instead of five, many houses have only two or three acres attached to them, while some in each parish have twenty or thirty. An English agriculturist will smile at the calling of the latter, considerable estates, and on hearing that the exceptions, where estates exceed thirty acres, are extremely rare. If, indeed, a few do contain fifty or sixty, none beyond that extent can be found. This will not appear surprising, if we consider the smallness of the island, and its law of succession. Land cannot, by that law, be devised by will. The eldest son takes, as his eldership, the house, and from sixteen to twenty perches of land adjoining it on the paternal or maternal estates, if there be both—he is also at liberty to retain the land in the ring fence; that is to say, to keep possession of all lands to which he may have access without crossing the public road; but, for such part of the land as exceeds his own share, he must pay to his co-heirs the price put upon it by the constables and douzeniers of the parish in which the land is situated. With the exception of one-twentieth part of the land which is reserved for the sons, and out of which the eldership is taken, the real property is divided, two-thirds among the sons, one-third among the daughters; but, should their relative numbers give an advantage to the daughters, if a third were allotted to them, they

would be bound to forego that advantage, and to share equally with the brothers.

The subdivision of the land, and the tenure by which a permanent interest in its cultivation is secured to the occupier, are sufficient to account for great production. Natural causes also come to its aid, arising from fertility of soil, mildness of climate, and the excellent manure which the sand and sea-weed afford; to these natural causes may be added the excellent roads, which, of late years, have given so great a facility to obtain that manure, and an easy access, not only to the coast, but to every part of the island; and again, the labour and attention bestowed on every part of the small farms, which are weeded as clean as gardens, contribute largely to abundant production. Thus, the tethering of all cattle, the use of the spade, and the general culture of clover, lucern, parsnips, turnips, and mangel-wurzel, add wonderfully to the means of sustenance for all animals. In small farms alone, and among the wives and daughters of the occupiers, are to be found the superior care and economy requisite for the successful rearing and feeding of calves, pigs, and poultry, and for the general management of the dairy.

The *fucus marinus*, or sea-weed, which grows abundantly on the rocks round the island, is of the highest value to the Guernsey farmer. This marine herb is called in Normandy, as well as in the Channel Islands, *varech* or *vraic*, and, in Brittany, *gouesmon* and *sarr*. In Guernsey it is used both as fuel and manure, and so highly are its agricultural uses appreciated by the islanders, that "*point de vraic, point de hautgard*,"—"no sea-weed, no corn-yard," has passed into a proverb.

The sea-weed is distinguished into two classes, *vraic scié* and *vraic venant*. The former is attached to the rocks, and is separated by sickles or bill-hooks; the latter is drift weed, torn from the rocks by stormy

seas, and thrown up on the beaches, occasionally in piles several feet high. There is a great difference in the value of these two descriptions of weed. One cart load of the *vraic scié* is computed to be worth two, and sometimes three, of the *vraic venant*. The fertilizing properties of both sorts vary considerably according to the period of the year at which they are cut or collected, the summer being much more esteemed than the winter; but the average value of the whole is about one pound sterling, the newly cut cart load. The following is an estimate of the amount and value of the *vraic* obtained from Lihou,* resulting from the depositions of most of the respectable farmers of the upper parishes, as delivered before the royal commissioners, in 1815, at the suit of Eleazar Le Marchant, esq., against several inhabitants of the parishes of Saint Peter-in-the-Wood and the Forest. They gathered—

<i>Vraic scié</i> . . .	{	In summer, about	80	cart loads, value at	£2 each.	£160
		In winter, about	70	"	" £1 each	70
<i>Vraic venant</i> . . .	{	In summer, about	80	"	" £1 each	80
		In winter, about	140	"	" 5s. each	35
Total number of loads			370	Total value £345		

From two to three loads of *vraic scié*, and from four to five of *vraic venant*, are required effectually to manure one vergée of land, $2\frac{3}{4}$ † of which equal an English statute acre. These proportions are applied to prepare the ground destined for barley or wheat. The *vraic venant* answers this purpose only; great part of the *vraic scié* is burnt as fuel, and the ashes are afterwards used as manure, of which twenty bushels are considered requisite for one vergée.

The importance of this marine substance has long been felt, for, in the petitions of most of the parishes to the royal commissioners, in 1607, this article is

* The head land which shelters the harbour of Granville, in Normandy, is called Cape Lihou, and the islet of Lihou probably derives its name from this cape.

† In round numbers, $2\frac{3}{4}$ vergées are reckoned as equal to 1 English acre. The Irish acre is exactly 4 vergées. The quarter is 4 bushels; the Guernsey bushel is struck for wheat, and 10 of such bushels are considered equal to 8 Winchester, or nearly $7\frac{1}{2}$ imperial, bushels. Thus $2\frac{1}{4}$ Guernsey quarters = 1 Winchester quarter.

particularly alluded to. The inhabitants of the Vale "pray that it be ordered by his majesty's commissioners, that it be lawful for them, for the time to come, to go and gather *vraic* upon the flat rock and other places hard by, without they be in any way hindered; and where there has been any proceeding used against them in that regard, that it be annulled, forasmuch as they can have no corn without they have that liberty." The answer was:—"Because we find that the *vraic* is so beneficial and necessary for the whole island, as that the inhabitants cannot have any manner of corn or grain, without they first bestow and spread the same upon their grounds; and for that, we are informed, that the bailiff and jurats have usually set down such orders as were, from time to time, most convenient for the inhabitants touching the same, who, in our opinion, do best understand what is fit to be done in those things which concern the common good of the island; we do thereby require that all such orders as they shall set down touching the gathering of *vraic*, either upon the said flat rock or elsewhere, shall be clearly kept and observed." The court of chief pleas has always taken this subject into consideration. All the ancient ordinances were revised and embodied in a general regulation by the chief pleas, at Easter, in 1818.

When the island of Herm,* (denoting, in old French, land deserted or uncultivated,) which is situate nearly mid-way between Guernsey and Sark, was let on a fee-farm rent by the crown, there was a special clause inserted in the lease, guaranteeing to the inhabitants of Guernsey and Sark the continuance of their ancient right to cut and gather sea-weed on the coasts of Herm. The quantity obtained from that small island is prodigious. Sark, indeed, would be rendered

* Herm, Hermes, ou Ermes.—La coutume du Bourbonnais, art. 331, dit que les terres Hermes et vacans sont au seigneur justicier. Elle entend par là les terres en friche, qui ne sont occupées par personne. On trouve le mot Herema employé de la même manière dans la loi 4, C. de censibus, et dans une foule de chartes. V. le Glossaire du droit Français, au mot Ermes (G. D. C.)—*Répertoire Universel et Raisonné de Jurisprudence*, par M. Merlin.

almost barren, were it not supplied from Herm, and it is no unusual sight to behold forty to fifty boats from the adjacent islands, collecting *vraic* from that small islet.

We are indebted to Mr. Nicholas Le Beir, one of the most intelligent country gentlemen in Guernsey, for the following particulars relative to this weed:—

“The time of working, and regulations for gathering this product are as follow:—The winter *vraic scié* is cut at the first new, or full moon, after Candlemas. This crop is wholly for manure, and the cutting of it should be limited to this use, it having so little time to grow again before the summer harvest. This latter cut, chiefly for fuel, is limited during one month for the use of those who have not any cattle; they must on no account barrow any to cart, but must carry it above the spring tide mark. On the 17th of July the general cutting begins, and continues till the 31st of August, when it closes. The law relating to the *vraic venant*, or drift weed, is at present to this effect,—for owing to its value, it has undergone more revisions than anything else I remember,—it is allowed to all persons, all the year round, to mark, rake, or cut away the *vraic*, from sun-rise to sun-set, with the addition that, in the winter months, the time is extended till eight o'clock at night.

“The manner of working this product is worth notice. I shall not make a distinction between the winter and summer cutting of the *vraic scié*, the work being the same, only that the summer is more of a holiday than the winter. It is then that half the country people, uniting in sets of two or three families, lads and lasses, and some of these among the best, crowned with flowers, proceed joyously towards the beach, and, as the tide leaves, scatter themselves over the different rocks. The boldest, on foot or horseback, wade to the furthest that have been examined the day before, and where the *vraic* is thickest and longest, and proceed to cut it with a small kind of reaping hook, throwing it in heaps with a smooth stone having their initials chalked on it, until the tide flows, when some of the men begin to carry it on shore on horseback, and that at full speed, from places which carts cannot approach. When their short, but hard, work is over, the young men lead the lasses to bathe; such a scene then presents itself as must make all but the misanthrope's heart smile with joy; the falls, the cries of the half terrified, half pleased girls, the shouts of the mischief-making boys who lead them into deeper water than they altogether like, form a scene which all enjoy. Nor must I omit the evenings of those days which have, I believe, a feature peculiar to this island. In several taverns in the country is arranged, on the *lit de fouaille*, a kind of canopy, supported on posts, the whole, as well as the seat, covered with flowers tastefully decorated, set off by the *fouaille* or fern, and well lighted up. It is customary also to have a dance in the evening at these houses, which is always attended by the young *vraiquers*.

“The working of the *vraic venant* is also not without its interest; it is effected by what is termed marking. When the tide is out at sun-rise, two or three men attached to each cart, posted with three-pronged forks where the *vraic* is thickest and cleanest, or where there are fewest people, watch until one of them raises his fork as a signal, when they all begin at once by raising little heaps as marks; and it certainly is a fine sight, on a clear summer's morning, to see so many men, sometimes all along the beach, working like bees with so earnest a will; and well they may, their day's profit depending on the few minutes of marking. They then clean the *vraic* by shaking it clear of sand and pebbles, and cast it on shore more at their leisure, as the tide gives them time. The raking of this *vraic* takes place, either when the tide is up at sunrise, or at any other time when it ebbs; this working of the article is generally in bad weather, strong gales only tearing it from

the depths, and casting it on shore. It is interesting to see the men in knots, where the *vrac* gives, sometimes forty to fifty of them in a few yards space, with their immense rakes, having a head between two and three feet long, teeth of fourteen inches, and a sapling or young elm for a handle, from twelve to eighteen feet in length, in the sea up to their middle, throwing them forward as far as they will reach, and having stuck the head where the *vrac* is thickest, dragging their rakefull up out of the reach of the waves. Of course this has its dangers; the shingles dragged by the sea under the feet, the rakes torn out of the hands, and brought back among the legs of the men, have caused a few broken limbs, but, in general, when they occasion nothing but a tumble and a drenching, it only creates merriment at the expense of the unlucky wight.

"To arrive in the nearest manner at the approximate yearly value and quantity of *vrac*, we must compare notes, that is, put the report given by people living along the coast against the probable quantity of land manured, and the proportion of dried to that of fresh sea-weed. The average number of loads of *vrac venant* taken out of the four principal bays to the westward of the island, is stated by trust-worthy men to be about in the following proportions:—Rocquaine, 3,000; Léréc, 4,000; Perelle, 3,000; and Vason, 4,000: these parts, including Lihou, are reckoned to be equal in produce to the remainder of the coast. To bear out the preceding statement, it may be observed, that 400 loads have been taken in two days out of a small creek near Léréc, and further, that in the Campauxon, some few years since, full 600 loads were marked by one man, in one morning, whose veracity may be depended upon. The calculations would, therefore, give about 28,000 loads for the whole island. As to the probable quantity of land manured with *vrac*, if my own small farm of thirty vergées can be taken as an example, (and it chiefly consists of meadow land) for potatoes, parsnips, or cabbages, I never manure less than two vergées, that is, one fifteenth; but, to keep within bounds, let us say throughout the island one in twenty, (a great number of farmers manure one in five,) which gives, Guernsey containing about 40,000 vergées, two thousand manured yearly with *vrac* (only 200 in each parish); of this extent it is supposed about four-fifths, or 1,600 vergées, are manured with the *vrac venant*, of which four loads at least are put to the vergée; 6,400, at two shillings, taken on the beach, cost £640. The proportion of dried is computed as equal to twice that of fresh, though not equal proportionably in value, the load of fresh *vrac* giving but three bushels of ashes at five pence the bushel; the whole value, therefore, may be about doubled, or say £1,400. By dividing the coaster's account, 28,000 loads, and the above near 20,000, about 24,000 of *vrac venant* are yearly got out of the beaches. The *vrac acie*, supposed to be used in dressing, one-fifth of the manured land, or 400 vergées, produces, at two loads the vergée, and 12s. the load, £480; it is estimated that full one-third more of this is dried than used fresh, and it is of equal value, selling at £2 the dried load: three of fresh are required to make one of dry. The result is £720, which, being added to the value of *vrac venant* (£2,120), and what is obtained from the adjacent rocks and Herm, the whole may be computed at £3,000, exclusive of cartage, of annual revenue; and the number of loads of *vrac*, of all sorts, at about 30,000.

"It is acknowledged that this manure is, by its invigorating salts, the chief cause of the productiveness of the island in our staple culture—potatoes. Out of many a field were dug in 1836, in the aggregate to the perch, six bushels, of sixty pounds Guernsey weight each, equal to sixty-seven and a half English,—a produce of 16,200lb. to the vergée, or about twenty tons and a quarter to the English acre. Of course this amount exceeds that of an average year, and so also did the prices: when being dug, they sold at one shilling the bushel, and rose in the winter to one shilling and ninepence. The average produce is about four bushels to the perch, and the average price, of late years, has been one shilling the bushel, yielding £20 to the acre. Lest this statement should induce strangers to take Guernsey for the El Dorado country, I will just state that the value of good land is £7 16s. the acre, and the wages of a labourer are two shillings per day, or

The hay crops in Guernsey may be stated, in the uplands well taken care of, to average three tons and a half English weight per acre,—and they have been frequently known in the best land, and in favourable seasons, to be four tons and three quarters.

Field roots for cattle are equally productive. Parsnips are no where grown with more success than in the island, and are probably, on the whole, the best crop that can be cultivated. It is true that mangel-wurzel gives heavier crops, and it is almost equally useful for milch cows, but for the fattening of stock of all kinds they are not to be compared to parsnips. The mode of cultivating the parsnip in Guernsey is well described by Dr. John Macculloch, in his communication to the Caledonian Horticultural Society, in September, 1814. He was of opinion that it would form a material and valuable addition to the system of green crops, when it became better known; but it is chiefly on account of the power which it possesses of resisting the injuries of frost, that he points it out as an object of attention to the society. The produce, per acre, is considerably greater than that of the carrot. A good crop in Guernsey is considered about twenty-two tons per English acre. This is a less heavy crop than turnip, but it is much more considerable than that either of the carrot or potatoe; and if we consider that the quantity of saccharine, mucilaginous, and, generally speaking, of nutritious matter in the parsnip, bears a far larger proportion to the water than it does in the turnip, its superiority in point of produce will appear, in this case also, to be greater. The allowance for fattening an ox is one hundred and twenty per day, exclusive of hay; it is found to fatten quicker than when fed with any other root, and the meat turns out more sweet and delicate. Hogs prefer this root to all others, and make excellent pork, but the boiling of the root renders the bacon flabby. The animal can be fattened in six weeks on this food.

Guernsey is justly celebrated for its breed of horned cattle, for though in London, and many other parts of England, the public speak of Alderney cows, the truth is that the pure race of these animals is only to be obtained in Guernsey. As a guide to the English purchaser, it may be observed that a thorough-bred Guernsey cow is required to exhibit on its person twenty marks, before the agricultural society of the island pronounce it perfect. These marks are the following:—

The pedigree of the father and mother being proved to be good, and yielding yellow butter, the distinctive marks of which property being yellow ears internally, yellow circlet round the eyes, yellow tinge at the root of the tail, and full udder, count for.....	7 points.
General appearance; colour cream, light red, or both mixed with white, and the hair smooth and short, count for.....	3 points.
Handsome head, handsome horns, slightly curved inwards; bright and prominent eye.....	4 points.
Deep barrelled shape body; the flanks well rounded.....	3 points.
Handsome legs, not knocking each other when walking.....	1 point.
The hind quarters flat and right angled—back straight and level.....	2 points.
The criterion of perfection.....	20 points.

The pure Guernsey cows are infinitely larger, taller, and of a somewhat darker colour than those which usually sell in England under that name; these come from Jersey, and may be had rather cheaper. Instances have been known of a Guernsey ox being fattened to fifteen hundred weight; but the heaviest in Jersey has not exceeded eleven hundred. An average good farmer's cow in Guernsey costs from eight to ten pounds. A handsome one for a gentleman's dairy will fetch twelve pounds, and occasionally more. Three vergées and a half of good ground are sufficient to afford food for one cow during the year. It is an invariable practice throughout Guernsey to tether the cattle, staking them by the horns to the earth, by means of an iron or wooden peg, attached to a halter about twelve feet in length. This is shifted four or five times per diem, allowing a fresh range of from two to five feet each time. By this system the most is made of the grass, for none can be trodden down or wasted.

Guernsey butter is as yellow as gold, and of most excellent flavour. It is indeed finer than any that can be obtained in England. The milk is churned with the cream; the butter milk is not an unpalatable beverage, and is in great use among the country people, as an article of food; but cheese is never made. The supposed general average that a cow will yield throughout the year is one pound of butter, or eight quarts of milk during the twenty-four hours. It is observed that the fattest cows are not the best milchers, and the best milchers will not always produce the largest quantity of butter. In summer many instances have occurred in which cows have yielded fifteen pounds of butter in a week. So convinced are the islanders of the excellence of their cows, that every foreign breed is rigorously excluded, oxen only being imported for the slaughter-house. A Guernsey farmer would not even allow a Jersey cow to come on his land, though this distinction is unknown in England. This feeling may be attributed to prejudice, but Inglis, an impartial judge, says—

"The superiority of the Guernsey butter, however, I fully admit. I do not know that I have any where seen such butter as in the Guernsey market: and if such superiority really be a proof of superiority in the cow, the palm must unquestionably be awarded to Guernsey."

Viewing the agricultural system of Guernsey as a whole, the fertility of the soil and the weight of the crops cannot be disputed; the superior quality of the cows, the excellence of the meat, milk, butter, and vegetables, must also be admitted. Let the production of the island be compared to that of any ten thousand acres kept in one, two, or three hands in Great Britain, and the advantage of small farms will be obvious. Independently of the two thousand families living in the country, compare the surplus produce sent to market, with the surplus produce of any ten thousand acres in one, two, or three hands elsewhere, and see on which side the balance will be found. The Guernsey ten thousand acres keep two

whole of Jersey, each might be computed to contain not more than fifteen English acres.

Having explained the Guernsey system of landed tenure and its agricultural results, we shall now allude to the moral influence produced on the inhabitants by this system.* One of its first consequences is to raise the standard of virtue—to inspire the whole population with a manly and independent spirit—and to destroy that cringing adulation and fawning servility, which leases for years have engendered among the tenantry of England. All men, no matter to what political party they belong, have admitted that the institution of property is the basis of civilization. This principle being admitted sound by universal consent, it follows that whatever contracts its expansion must be vicious, and that whatever promotes its extension must be nationally beneficial. The bare possession of property on a doubtful tenure is scarcely a good; it is essential that the possession should be secure; and if security for a term of years be desirable, much more so must it be for permanent enjoyment. Now, the plan of leases for seven, fourteen, or twenty-one years, together with tenancies from year to year, and at will, is bad in principle, as these tenures merely convey a temporary interest determinable at a date specified; the working farmer thus becomes a bird of passage, without any fixed home. He may be prudent, industrious, and sober,—a good father, a good husband, a good master, a good neighbour, and a good citizen; but these virtues avail him nothing; he lives in a state of agricultural servitude, and, at the expiration of his lease, the caprice or spite of his landlord may expel him from the farm. Widely different is the condition of the Guernseyman. Once possessed of land, he can never lose it, except by his own fault; he has only to pay the stipulated

* The substance of these remarks having been printed in *Tait's Magazine* for March, 1838, it may be proper to state that the author of this volume contributed to the magazine the article in which they appeared.

quarters of rent, and he continues absolute lord of the property—he feels proud of his position, and the spirit of independence is within him—he is not classed among the locomotive machines of humanity, who, in Great Britain and Ireland, are shifted from county to county, seeking a precarious subsistence from an insolent and grasping squirearchy. No; he has a solid stake in the country, though it may be small—he can say, with honest pride, “This house is mine; that field is mine; and, when I die, the law will give them to my children.”

This system of tenure prompts to industry, encourages economy, and represses intemperance. A man, having paid down in cash one-fourth of the value of the land he holds, is stimulated by the most powerful impulse to redeem the annual quarters, and disengage his estate from the payment of rent. In the eyes of a person so circumstanced, labour loses its repulsive character, for he feels that he is working for himself. He has an object constantly before his mind, which he steadily pursues. The propensity to drunkenness, so fatal to the working classes of Great Britain, is counteracted with the Guernseyman by the desire and the opportunity of acquiring a disencumbered landed property. But the English or Irish labourer has no such incentive to moral restraint. Far from contemplating even the most remote possibility of becoming the absolute owner of an acre of land, he considers himself eminently fortunate if he can secure regular wages as a labourer. He passes through existence only one remove higher than the oxen which he drives at the plough. His feelings are deadened—his mind is brutalized—his energies are depressed. His life resembles that of a horse in a mill, confined within a circle out of which he can seldom escape.

As a teacher of prudence, the Guernsey tenure becomes a powerful auxiliary to the usefulness of savings banks. Out of this small population, in

round numbers 26,000 inhabitants, there are 1,920 depositors, possessing a vested sum of £36,465 and upwards. The facility of obtaining a proprietary right in land, without paying down the purchase money, is a strong incentive to early habits of economy. A farm, of course, requires to be stocked; and, with the prospect of future independence before him, a young man will deposit his earnings in the savings bank, till he has accumulated sufficient capital to purchase seeds, cattle, and implements of husbandry. It is this hope, or rather, under Providence, it is this certainty, that makes a Guernseyman that eminently careful, cautious, and far seeing person that he is; while, on the other hand, it is fair to conclude that the despair of all prospective amelioration in his condition, renders an Irishman imprudent, inconsiderate, and reckless. We may with truth affirm, that habits of prudence, economy, moral restraint, and the wisdom of appreciating in what consists a competency, and the disposition to live within one's income, are virtues indigenous to the soil of Guernsey and rooted in the national character. Agrarian outrage is unknown; there is not on record an instance of machine breaking, rick burning, or ham-stringing cattle; the mass are interested in the preservation of order, for the mass have property, or may acquire it. Institutions, based on justice, need not a soldiery or a police. The citizen and the constable are identified. But, in Ireland, there are no bonds of sympathy between the landlord and the agricultural labourer; in most cases they never see each other: the absent proprietor regards the tenant as a serf, and the tenant considers the landlord as a tyrannical usurper; thus the standard of morals is reduced to zero.

A certain school of English political economists insist on the advantage of large farms; but the Channel Islands furnish incontrovertible facts in re-

futation of their arguments. We will place Ireland and Guernsey in contrast, taking the last returns of population :—

IRELAND.	
Statute square miles	30,370
Statute acres	19,436,800
Population	6,801,827
GUERNSEY.	
Statute square miles	24
Statute acres	15,360
Population	24,349

It follows from these tables that Guernsey contains above one thousand persons to a square mile, and Ireland only two hundred and twenty-three, so that on the same surface there is a difference in the population of nearly five to one. It is true that Guernsey does not actually support its present number of inhabitants in the comfortable manner they live, as even the poorest eat daily wholesome bread, either wheaten or an admixture of wheaten and barley, and in consequence corn is largely imported, as are fat oxen and sheep. On the other hand, native cows, pigs, and potatoes are exported, and we are convinced that the island, with some return from commerce and navigation, is fully capable of maintaining one thousand souls to a square mile, who shall fare better than the Irish now fare, although our wish is *not* to reduce the Guernseyman to the fare of the Irishman, but to raise the latter to the standard of the former.* This is not, however, the only difference. Almost every Guernseyman has a comfortable home to live in, a clean bed to sleep upon, and abundance of warm and decent clothing ; but the Irishman is lucky to shelter himself in a mud cabin, find a soft plank to sleep upon with his pig (if he is so fortunate as to possess one), and get a dry potatoe, without salt, to ward off starvation. In the session of 1836, it was stated by Mr. Poulett

* If the same system of landed tenure and equal division of property obtained in Great Britain as now prevails in Guernsey, we are satisfied that with its rich mines and immense manufactures, it would easily support double its present population, or five hundred souls to every square mile, even although a high protecting duty were charged on the admission of foreign corn.

Scrope, in the house of commons, and assented to by Mr. O'Connell, that upwards of two millions of the people of Ireland, *nearly one-third of the whole population*, were without occupation,—pauperized to the lowest verge of degradation,—all but houseless, shirtless, and shoeless, and living on an inferior sort of potatoe, called “a lumper.” Now, in Guernsey, there is comparatively no want, no beggary; a wandering mendicant is not to be seen in town or country, as the few native poor are amply provided for. Moreover, periodical famines are unknown, and we sincerely wish that we could say as much for Ireland, as in 1822 the inhabitants of St. Peter-Port, raised by private subscription, about seven hundred pounds for the relief of their famishing brethren in the west of Ireland, “while the land proprietors of one of the Irish counties, where the distress was experienced, “could only raise one hundred.* In 1831 upwards of six hundred pounds were raised in Guernsey and Alderney for the same purpose, and the following remarks appeared in an Irish newspaper, the *Ballina Impartial*, on the subject:—

“While with due gratitude we acknowledge the contributions transmitted from England, through the central committee, we feel ourselves especially bound to notice the *transcendent* liberality of the people of Guernsey. That island, though not exceeding thirty miles in circumference, has, in proportion to its extent, done more on behalf of the famishing poor of Mayo, than any other place from which relief has been furnished.”

In confirmation of our statements, as regards the excellence of this system of landed tenure, it is proper to append the commencement of a long article,† descriptive of Guernsey, published anonymously in the *Examiner*, London weekly newspaper, in September, 1832, the intelligent author being, we believe, Mr. Frederick Hill, government inspector of prisons in Scotland:—

“The happiest community, which it has ever been my lot to fall in with, is to be found in the little island of Guernsey. The pictures of want, filth, and crime,

* *Chambers' Edinburgh Journal*, April 18, 1846, article “Management of the Poor.”

† This article was republished with notes in the *Guernsey and Jersey Magazine*, vol. 1.—See also *Tait's Edinburgh Magazine*, for June, 1834.

which so frequently shock the eye of humanity in our own country, and which appear to a still greater extent in Ireland and many parts of France, are not to be met with in Guernsey; but, in their stead, are to be seen the happy signs of abundance, comfort, and contentment. The poor man has his neat little house, is surrounded by his cheerful family, and is under no apprehension that he shall not be able, with moderate labour, to provide a full meal and a comfortable lodging for all who are dependent upon him.

"What are the causes of this superior state of things in Guernsey? Why is it that, within so short a distance of places where the pining labourer is but half fed and half clad, the man of Guernsey should have a well-stored board and abundance of clothing? The climate is not peculiar—the land is not remarkably fertile. The southern parts of England are quite equal to Guernsey in both these particulars. How is it, then, that Guernsey should be so much ahead in the career of happiness? *Guernsey has superior laws—superior institutions.* And the state of things in Guernsey is one among the thousand proofs that have been given, that the prosperity and happiness of a people are much more dependent on its laws, institutions, and the manner in which its government is carried on, than on climate and fertility of the soil.

"I have twice visited the island of Guernsey under circumstances favourable for becoming acquainted with its condition, and, in the hope of directing general attention to a model from which much might with advantage be adopted, I will give a brief account of what fell under my observation.

"One of the most striking changes which the visitor, whether from England or France, meets with on his landing in Guernsey, is the entire absence of beggars. That miserable compound of imposture and real distress, the wandering mendicant, is there unknown. A tradesman who had been established at St. Peter-Port (the town of the island) for upwards of thirty years, assured me that during the whole period of his residence in the island, he had never once seen a beggar. For myself, I neither saw nor heard of one; and I was satisfied, from all I learnt, that a beggar is in Guernsey a being of a past age—a creation of history—a fit subject for the speculations of the antiquary, but too completely covered with the dust of ancient times, for those of the present day to examine."

The island of Jersey, in which the same system of landed tenure obtains as in Guernsey, supplies additional arguments in favour of the plan here recommended. Jersey is more extensive than Guernsey, but still it is a small spot. According to Colonel Le Couteur, who is well known as a scientific amateur agriculturist, the most accurate surveys give it a superficial extent of forty thousand English acres. Deducting about one-third for rocks, waste land, buildings, and roads, there remain about twenty-six thousand six hundred acres fit for cultivation, being more than double the arable land of Guernsey. We learn, from the same eminent authority, that the land near to St. Helier's, the capital, is worth nearly *two hundred pounds* the acre; in the country parishes it varies from *seventy-five* to *one hundred and fifty pounds* the acre, such land letting at from *four pounds*

ten shillings to six pounds fifteen shillings the acre. According to Mr. C. Le Quesne, of Jersey, whose admirable account of the commerce of that island has placed him in the first rank of political economists,* although at the period it was written he was a very young man,—its population, in 1831, when the last census was taken, amounted to thirty-six thousand five hundred and eighty-two, giving to each square mile nine hundred and fourteen persons. Here then we have the strongest proof of the excellence of the system of tenure, which ought to carry conviction to every mind not absolutely barred against the reception of truth. To those who prefer authorities to facts, we recommend the following opinions :—

"A small proprietor," says Adam Smith, "who knows every part of his little territory, views it with all the affection which property, especially small property, naturally inspires, and who, upon that account, takes pleasure, not only in cultivating, but *adorning* it, is generally, of all improvers, the most industrious, the most diligent, and the most successful."

"Ce petit champ me suffit," said the virtuous Chancellor De L'Hôpital; "je trouve plus beau de le cultiver moi-même que d'étendre au loin ses limites aux dépens de mes voisins. Une grande terre annonce les richesses, l'abondance excessive d'un maître puissant; un petit domaine cultivé avec soin, manifeste le caractère et l'intelligence d'un homme. Nous nous plaignons que nos champs ne sont pas assez féconds; nous en accusons le sol, le ciel, et les dieux; c'est uniquement notre faute. Un enfant ne sourit pas à son père qu'il n'a jamais vu, ni la terre à son maître qu'elle ne connaît pas; elle se plat à se voir cultiver par ses mains."

"When I was travelling," says Mr. Le Quesne, "on the borders of the Loire, in answer to my inquiries relative to the smiling productiveness of Anjou and Touraine, the usual answer which I received was, that land was divided into small parcels; and with respect to the condition of the people, it was,—'Ici nous ne sommes ni très-riches, ni très-pauvres; mais nous sommes contents et nous vivons bien.' The houses of the country people there are thickly studded; they are remarkable for their neatness, and indicative of the ease and comfort of their possessors; they are far superior to those which meet the eye in Normandy and Brittany, where land is not so much subdivided; in the former, besides being in greater number, they are built of white sand-stone, and no miserable mud rottage, with a heap of filth and dung lying before it, presents itself, as in Normandy and Brittany."

Bulwer has also noticed the different effects produced in France by large and small estates, and the following extract fully confirms the remarks of Mr. Charles Le Quesne :—

"In the northern departments of France, where land is *less* divided than in general, and cultivated with larger capitals, there is by far the greatest number of

* See his articles on that subject in the *Guernsey and Jersey Magazine*, vols. III. and IV.

indigent; and in the towns of this division, pauperism has even risen to an alarming height. There, says M. Villeneuve, the poor consist of workmen, brutified by debauchery, or enervated by manufacturing labours, and habitually unable to support their families."

A traveller in Spain gives a description of part of that fine kingdom, that might have been applied to Ireland:—

"Beside Edija and Cremona, we met but few villages between Cordova and Seville, and no solitary farms or houses, other than the public ventas. Though the soil was every where fertile, yet it was in general very imperfectly cultivated, and often abandoned to the caprice of nature. Nothing can be more painful than to behold this country, which rose to such a degree of prosperity under the Romans and Arabs, now so fallen, so impoverished. The principal source of this depopulation may be found in the landed monopolies, nearly the whole country being owned by large proprietors, to whose ancestors it was granted at the time of the conquest. They who preach the preservation of families and estates, and deprecate the unlimited subdivision of property, should make a journey to Andalusia."

In support of the small farm system, we shall now append some remarks which have been communicated to us by Mr. Brock, president of the states of Guernsey, whose accurate knowledge of the details of the subject, added to his long experience,—whose vigorous intellect and comprehensive mind, invest his opinion with the sacred character of an authority:—

"In England," says that great and good man, "they break up all the small farms, depopulate the country, and then cry up the surplus produce, as if that produce, consumed by a vigorous race of happy yeomen, did not tend to the welfare of a kingdom as much as when carried to large towns to feed a miserable feeble population, living by the precarious returns of manufactures instead of the certain rewards of agriculture. Besides, the main facts upon which the sticklers for large farms rest their argument is absolutely disputed; the surplus produce from large farms is not greater than it would be from moderately sized farms. There are larger estates in England than the whole of this island, but where will one be found that produces the same quantity of provisions as is sent by the small farms of this island to market. Look at the hovels of the English and Irish; compare them with our cottages; and the effect of giving to the occupier an interest in the soil and dwelling will at once be seen. In this island, that interest is permanent; in England and Ireland, it is limited and precarious. The writers of the present day, on political economy, mention the subdivision of landed property in Ireland, as the principal cause of the poverty and barbarism of the Irish; it is not the smallness of the property, but the uncertainty of the tenure, which is the cause of all the misery. The land is, indeed, so subdivided as to barely suffice, even in potatoes, to sustain the occupier's family, and then the poor are made to outbid one another in the price at which they may obtain possession, and the term is so short, and the price so high, that the object of the occupier is not to improve the spot, but to procure a miserable existence for the year, by drawing from the land as much, and laying out upon it as little as possible, without any regard to the improvement of the premises. The wretched state of the dwellings, and the distress of the inhabitants, are not, therefore, to be wondered at; they remain the same from year to year, and from generation to generation. Some parts of the

country, under the management of proprietors, and of farmers with long leases, are well cultivated, and wear the appearance of comfort; from these are produced the large quantities of grain, cattle, butter, and other provisions, which are annually exported, and mostly consumed in Great Britain. The great body of the people are little benefitted by these exports, and a year seldom passes without a famine, or a scarcity approaching to it, being experienced in one part of Ireland or the other, notwithstanding the export of so much produce, which the starving people have no means of purchasing.

"The causes of this misery and destitution are to be found in the want of employment for the peasantry, and, above all, in the absence of all interest in the soil,—causes aggravated by the general use of ardent spirits of the most pernicious description that can be conceived. The obvious remedy is to give to the peasantry a permanent interest in the soil,—a permanent interest in the improvement, not only of the land, but of the dwelling and general premises,—to render him sensible of the sweets of home, and to create in him a desire to retain their enjoyment during life,—to impart the blessings and happiness of such a home to all that are dear to him,—and to leave them unimpaired to his descendants. A permanent interest in such a home, and in the improvement of the land, would prove the best means of withdrawing him from the beastly habits of intoxication, and of elevating his ideas to the pure delight of contributing to the happiness of those around him.

"The good to be effected,—the implanting of a love of home, which brings with it the love of country, of good order, and civilization, is not to be expected under the present system of annual leases, nor by paltry allotments or precarious tenure of land,—it can only be done by giving to the peasant and to his heirs, real, independent, and permanent possession of land sufficient for the maintenance of a family, and secured to them for ever on the due payment of the annual rent stipulated by the contract of purchase.

"I am aware of the prejudices of the great landed proprietors against such a scheme of partition; they are unwilling to part with the land in perpetuity, and they will raise objections to the establishment of independent families round them, as nurseries of a poor and more numerous population. Their fears and objections are not well founded; the system of selling for perpetual rents, secured on land daily improving in value, ought to remove their objections, and, at all events, nothing can possibly be worse for them than the actual state of society in Ireland. The great body of the peasantry, finding no employment from the rich, no land to till, except at prices which the utmost labour cannot enable them to pay, are driven to desperation when, having attempted to cultivate a field of potatoes, they are called upon for tithes on those potatoes, which are already insufficient for the sustenance of their families and the payment of rent. The law, the military, the police, are, however, called upon to force them to pay both rent and tithes, or, in default, to eject them from land and home. Seeing all the authorities and institutions of the country leagued against them, is it surprising that the peasantry should look upon those authorities and institutions with distrust? The situation of the landowners is not to be envied; it is true that, by coercive measures, they succeed in keeping down the spirit of discontent, but they do so at the expense of their own happiness and comfort. If there be, as we must suppose there is, a pleasure in the exhibition of pride and power, in the unlimited exercise of tyranny and oppression, the landlords of Ireland must experience that pleasure in the highest degree; the unexampled scenes of misery which they behold at every step, attest their arbitrary sway, and the extent of the mischief which that sway has occasioned; nothing can be wanting to their triumph, but amidst that triumph, they cannot taste the sweets and comfort of a peaceful home,—they cannot meet the smiles of a grateful peasantry,—they are obliged to fly the country.

"How different would their situation be, if they consented to adopt the system recommended,—if they sold on perpetual leases, and at the full value, a part of the lands which they cannot keep in their own hands, and which, divided in estates of from two to six Irish acres, would render an equal number of families happy and industrious, while the full value of the land would be preserved to the landlord, and be secured to him in a more efficient manner than any other part of his

property. Every year, every new improvement effected by the new proprietor would add to the security of the annual rent due to the former proprietor, who, without care or anxiety, without labour or expense, without witnessing the distress occasioned by the change of yearly tenants, ejected from the miserable hovels for which they cannot by any human means contrive to pay the heavy rents, imposed generally by middle men, would be sure to receive a fair income from the land ceded, and would do so with the good will and good wishes of all around him.

"The arguments propounded by the Rev. J. H. Mules, in favour of the allotment system, adopted in some parts of England, by which small portions of land are leased out to the labouring classes, apply with much more force to the system of absolute sales subject to a perpetual rent:—

"It almost invariably," says Mr. Mules, 'improves the moral and physical condition of the labouring classes, by fostering self-respect, independence and contentment, and by raising the general standard of subsistence. It gives the habit of continued and patient industry, inspiring right motives, and the assurance of reward. It imparts a knowledge of the value of labour, and the rights of property; gives an interest in the welfare and tranquillity of a country, and in the good order of society. It lessens pauperism, intemperance, discontent, distress, and crime; and cherishes, in their stead, sobriety, cheerfulness, gratitude, and the growth of all the kindlier feelings of our nature. It develops the moral character, and even contributes to more noble aspirations, by promoting the better observance of the Sabbath, and rendering religious societies more efficacious, by removing the distracting and corroding care of providing for the necessities of the day passing over them,—wants supplied, and fairer prospects, being conducive to that composure and peace of mind which best cherish religious improvement. It offers the means simple and obvious, which, in no long time, would waken a nation into gladness, and spread a smile over the face of nature itself. The discordant elements of society would thereby become purified by this salutary admixture. Its several classes, weak in their division, and hostile, as separate from each other, would, as they were drawn together in the bonds of mutual interest and affection, become indissoluble; not only as the fabled bundle of sticks would they remain united and unbroken, but each, like the rod of Aaron, would again branch forth, and blossom into all the charities and virtues of domestic and social life. Then, indeed, the different ranks of society, instead of so many steps of a dungeon, would, like Jacob's ladder, seem reaching up to heaven, and the angels of mercy and gratitude would be seen ascending and descending thereon for ever.'

"One of the queries proposed by Bishop Berkeley is not inapplicable to Ireland and to this subject:—

"Suppose," says the bishop, 'the bulk of our inhabitants had shoes to their feet, clothes to their backs, and beef in their bellies, might not such a state be eligible for the public, even though the squires were condemned to drink ale and cider?'

"The state of things supposed by the bishop would certainly be eligible, even with that sacrifice on the part of the squires; but, by following the system here recommended, the attainment of such a state would require no sacrifice of any kind; the people might have shoes to their feet, clothes to their backs, and beef in their bellies, while the squires would have better means than they now have to drink wine or any other liquor they liked best. In proof of this, we need not have recourse to the opinions of authors of travels, or writers of political economy. The effects and working of the system recommended may be seen in the Channel Islands; the theory is there reduced into practice, and has been so, successfully, for ages, although with many disadvantages that would not occur in countries of greater extent. The constant subdivision of lands in these very small islands, might appear to many to be necessarily attended with insurmountable obstacles and want of employment to the population, which that subdivision tends so powerfully to increase, while the limited extent of the country gives no scope to agriculture, and presents no resource to the agriculturist in want of land. The law of primogeniture which, in England, is carried to so great an excess as to give to one child, not only the principal house and estates, but all the estates that

belonged to the father, and which, in France, is so far put aside as not to leave to the eldest son the paternal roof, and gives him no preference in retaining it over his co-heirs, male or female,—that law is so far observed in Guernsey, as to give to the eldest the property of the principal house, and of a few perches of land adjoining, on which the out-houses may be supposed to stand. The law gives him that property exclusively, and without compensation to his co-heirs, and further gives him the right to keep all the land attached to the house in the ring fence, and not separated from it by a public road,—but, for the value of all the land exceeding the sixteen to twenty-two perches, allowed for the eldership, he must account to his co-heirs.

“The Guernsey custom is not attended with the gross partiality and injustice of the English law, which denies to the younger children all right or title to the land of their parents, while it does not so completely dismember the estates as the French law, by which all houses and lands are divided equally among the brothers and sisters, but preserves in Guernsey the nucleus of the family estates in the hands of the eldest, without depriving the younger branches of their share of the value.

“These particulars are mentioned in order to obviate objections that might be made to the introduction of the new system into Ireland. Something like the Guernsey custom would be necessary to prevent the endless subdivision of small estates, that would, according to the said system, be occupied by the houseless peasantry.

“Such a system requires the co-operation of the great landed proprietors, and, above all, a legislative interference of a very delicate nature. The absolute necessity of the case, the extreme danger to the state, attendant on the actual and impending state of society, can alone warrant such an interference with the rights of property. But the very protection of that property may require a remedy against evils that threaten to sweep away every vestige of that property, and every person having a claim to it.

“For their own sake, all such persons should come forward and petition the aid of the legislature—they should be the first to propose a measure of that kind, and that measure should be of a general nature. All partial remedies that seek to bolster up the actual state of society, and the precarious tenures of land, can be of no use; things have arrived to that degree of individual misery and general danger, that nothing but a mighty change can effect any permanent good. The removal of the law of primogeniture, some centuries past, might have prevented the accumulation of that great mass of distress now witnessed, and an equal law of succession would now produce great benefits to the country; but immediate relief is wanted, and to obtain that relief, to the extent required, there appear but two measures adequate,—the cession of land to poor families on the payment of perpetual rents, and emigration on a large scale. Both remedies combined must produce a great improvement: a poor law is another remedy about to be tried, which alone can never restore Ireland to a happy state. The poor are too numerous to render it possible to give them sufficient relief, without the greatest sacrifice on the part of the landowners. Compare the sacrifices that must be made by them in execution of the poor law, with the sale of their superfluous lands on perpetual rents,—and decide which plan of relief would be most advantageous to those owners. No doubt can surely exist on this matter. The poor law, to be effective, will require pecuniary sacrifices to an enormous amount; the cession of land would require none,—would be attended with no diminution of income. There is another consideration, which is the national expense requisite for the erection of the poor houses all over the country, independently of the moral degradation which is the natural result of crowding so many people together. In every point of view, and especially the moral consideration, how desirable must that plan be which would give an interest in the soil to the great bulk of the population—which would remove discontent, and promote industry over the whole face of the country! How superior would such a state of things be to the system of wretchedness, destitution and idleness which prevails! How superior as the means of comfort and happiness to the rich proprietor as well as to the poor labourer. How

superior in point of general interest, and in point even of the interest of the proprietors themselves! Compared with the poor law attempted to be introduced, the superiority of the present plan is most striking. The poor law may give some relief, but no remedy to the poor,—no prevention of poverty; the evil, the canker will remain, and the discontent also. So far from creating comfort to the proprietors, the poor law will be the cause of their being assailed more than ever by the poor who surround them, and who will themselves be authorized by law to assail them. The poor law, as a palliation of the evil, will cost to the proprietors immense sums of money, while the radical cure would in fact subtract nothing from their property. The palliation would greatly diminish income, both by the sums levied for the maintenance of the poor, and by the sums levied by county rates or national taxes for the erecting of houses for their habitation and occupation. The radical cure requires, indeed, the nominal sacrifice of a part of the land, but no sacrifice of the property,—no diminution of income."

Such are the views of Mr. Brock on this important subject, views founded on the experience of a life of more than three quarters of a century; they are pregnant with useful truths, and merit the deepest and most anxious attention of the legislature. To his remarks some additional observations may be appended.

The immediate effect of introducing the old Norman system of tenure into Ireland, would be the creation of a numerous resident proprietary, who would supply the present deficiency of the middle class. With the successful prosecution of agriculture that would necessarily accompany it, villages and towns would spring up in every district, filled with mechanics and tradesmen. Neat and comfortable dwellings would be substituted in place of the present mud hovels; and the pest of Ireland, the middlemen, would be swept away. Outrages on property would cease, because the possessors of property would be so numerous and so linked together by a common interest, that they would stand to each other in the relation of a mutual insurance company. Thus would be saved a large portion of the expense now incurred for the constabulary force, and the standing army at present quartered in the sister kingdom.

It is also clear, from the results obtained in Guernsey and Jersey, that the agricultural produce of Ireland would be prodigiously augmented, which

would enable her to supply the English demand for corn; and as the Irish rose in wealth, they would become large purchasers of British manufactures. It has been shown that every acre in Guernsey and Jersey subsists in comfort fivefold the number of persons that an Irish acre does. If, then, the actual population of Ireland, in round numbers, be seven millions, why should it not increase to thirty-five millions to be in parity of degree with that of the Channel Islands? The amount may excite a sneer; but it is a fair inference from the premises. But did it only reach to half that calculation, what a stimulus would it not give to the trade of England. Again; by this plan, all the Irish would find permanent work at home on their own fields; thus would a stop be put to that annual immigration into England against which the English farm servant, in the time of mowing and harvest, cannot compete.

Surely a plan which secures the landlord his rent,—raises the moral standard of a whole people,—encourages industry, temperance, and prudence,—which represses crime,—economizes the cost of the police and the soldiery,—and which, while putting an end to the injurious competition of English and Irish labour, so employs that labour as to make it the engine of mutual supply and demand;—surely a system, holding out such advantages, reconciling all interests, and recommended by the practice and experience of ten centuries, at least deserves the calm and patient investigation of the legislature. Let politicians bear in mind, that every experiment hitherto attempted to remedy the state of Ireland has ended in the most miserable failure. Is not then the time arrived when we should strike into a new path, and apply a radical cure to the evil?

We can only anticipate one objection to this plan, and that objection may be raised by the landed aristocracy; we cannot expect opposition from any other

quarter, and we fain would hope, that even the enemies whom our imagination has conjured up, may, on cool reflection, adopt the new system. It is clear that, were land let on perpetual leases, in the manner already explained, the occupier, having paid his rent, would have nothing to hope or fear from his landlord; consequently he could and would vote at the elections of members of parliament according to his conscience—he would no longer be dependent on the frowns or smiles of a canvassing attorney—he would be a free citizen. Now, the aristocracy might be reluctant to part with this species of influence, and that is what we apprehend; it is, indeed, the sole difficulty we fear. On the other hand, they should set off against this surrender of power, which is as unconstitutional as it is unjust, the innumerable other advantages which they would acquire in exchange. Besides, all the aristocratic landowners would be placed on the same footing—whig and tory—so that their relative strength would not be diminished. This plan would preclude the necessity of the ballot, at least in agricultural districts, since no permanent occupier of a farm, which the law would transmit to his descendants, would require the shield of secrecy in exercising the elective franchise. Another immense advantage would be gained; no turbulent demagogue would be able to kindle sedition among a population which would be well fed, well housed, and well clothed; thus, the property of the very richest would be protected against the lawless passions of a mob. All would have one common interest,—the maintenance of order.

NOTE.—August 8, 1840. The drought of the spring of this year, in Guernsey, being unprecedented within the memory of the oldest inhabitant, it should be recorded here. After an unusually wet winter, 1839-40, it having rained constantly for many weeks, the weather changed on the 16th February, and from that day to the end of June, with the exception of a few slight showers, there was no rain. The wind was easterly from the 16th February to the 7th May. In consequence, the hay harvest was unusually deficient, there not being above one-fourth of an average crop in the upper parishes, and on some estates not above one-sixth or one-eighth. What makes this drought the more remarkable, is that in England there was no want of rain during the same period. The month of July was also comparatively dry, so that there is very little after-grass.

CHAPTER IV.

ECCLESIASTICAL HISTORY.

So far as it is possible to trace back the ecclesiastical history of the island, evidences of pagan worship are still extant to assimilate it with the dark superstition which engrossed the adjacent continent. Among these, are those ponderous and rude masses usually called druidical altars, as also the upright pillars of stone, known by the name of *Menhirs*, which have recorded this fact through many a succeeding generation to the present time.

Many of these altars still attest their ancient origin, but however difficult to assign to them all that which has been written, it appears from the examination of them, that they were used for sepulchral purposes. Whether the priests sacrificed human victims on them, or burnt offerings in honour of their imaginary deities, must yet remain with our present imperfect knowledge of their ceremonies, as a doubtful, or, at least, a speculative opinion. Human bones, burnt and unburnt, are usually found in these localities, stone instruments and coarse pottery being abundantly mixed with these remains of former ages.

Among the refugees from Britain, who sought protection in Armorica from the violence of the Saxons, one of the most illustrious was Sampson, bishop of St. David, in Wales. Vertot fixes the date of his arrival in Brittany, in 520,* during the reign of Chil-

* Établissement des Bretons dans les Gaules.—T. 1. p. 78.

debert the First, son of Clovis. Both these sovereigns had embraced christianity, and the latter established St. Sampson, at Dol. Some writers have conferred on that town the dignity of an episcopal see, of which they have made St. Sampson bishop; but Mabillon expressly says, that there were no bishops in Brittany before the ninth century,* the bishop of Laon excepted, so that St. Sampson could only have been a nominal prelate,† though it is generally admitted he brought the *pallium* from Wales. However, it is certain that he exercised full spiritual jurisdiction in Dol and its neighbourhood, and that he established christianity in the Channel Islands, which seems to have been introduced by his master and preceptor, Pyro, if we are to credit a passage from the life of St. Sampson, cited by Vertot.‡

St. Sampson landed in Guernsey on the eastern part of the coast, opposite the isle of Herm,§ at the only harbour made use of in those days; and, on the south side of it, he caused a small chapel to be erected for divine service, which, being rebuilt in the year 1111, and raised to the rank of a parochial church, was dedicated to his memory, and called St. Sampson's church, a name which it still retains, and which is also the appellation of the parish and harbour. He was considered, in earlier days, as the patron saint of Guernsey, and numerous miracles are ascribed to him by his biographer, but they are of too puerile a character to merit notice. St. Sampson, though not a

* Annal. Benedict.—T. 1. l. 6. p. 152.

† L'on appelloit Evêques régionnaires des missionnaires revêtus du caractère épiscopal, qui avoient droit de prêcher et de conférer les sacrements dans une étendue de pays déterminée, mais qui n'avoient point de siège. Ainsi, quoiqu'il y eût des évêques à Saint-Brieux, Dol et Saint-Malo, ou plutôt Aleth, dès le sixième siècle, ces évêques habitoient dans des Monastères et n'étoient point évêques de Saint-Brieux, Dol et Aleth. Ces villes n'ont été érigées en évêchés que long-temps après; ce qui est certain au moins pour la ville de Dol.—*Histoire des Evêques de Coutances*, par M. Lecanu, Curé de Bellenille, à Coutances, 1839.

‡ Erit autem non longè ab hoc monasterio insula quædam nuper fundata à quodam egregio viro ac sancto presbytero, Pyro nomine, in quâ insulâ et ego fui, apud quam, inquam, Sampson cohabitare volebat.—*Etablissement des Bretons dans les Gaules*, T. 2. p. 348.

§ We doubt not that we have given, in page 291, the true derivation of the name Herm; but it is proper to append the following passage from the *Histoire des Evêques de Coutances*:—"Du temps du même Saint Magloire, on édifia une chapelle dans l'île d'Herm, dont on voit encore des restes. On croit que le nom d'Hermes vient des Ermites qui s'y étoient retirés, et dont le nom de plusieurs figure dans les actes publics du 12e siècle. On voit aussi quelques restes de leur Ermitage."

bishop, as already observed, was present at the third council of Paris, and attested the decisions of that body by his signature.

St. Sampson was succeeded in the abbey of Dol by his nephew Saint Maglorius, who was the companion of his exile from Wales. He appears to have taken Guernsey and Jersey under his spiritual care in 568, and also to have extended his protection to Sark, where he founded a monastery.* Falle, in his History of Jersey, states that there was to be seen, in his time, in the remembrancer's office of the exchequer, an account of a yearly pension, paid by the crown to the monks of this convent, under the name of the convent of Saint Maglorius, and dated in the reign of King Edward the Third. There is still a tenement in that island, now called *La Moinerie*, or house of monks. Saint Maglorius† also built a chapel at the Vale, which has fallen into decay, but the ground on which it stood still retains the name of Saint Maglorius, though disguised under the corrupted appellation of St. Mallière.

Robert Cœnalis, a bishop of Avranches, asserts that the Channel Islands were at one time annexed to that diocese; but this is improbable, while, on the other hand, it is stated that about the year 912, Rollo I., duke of Normandy, separated them from the see of Dol, and annexed them to the bishopric of Coutances. By King John, of England, the islands are said to have been transferred to the see of Exeter, but they must have been almost immediately reannexed to that of Coutances, to which they remained subject till the reign of Queen Elizabeth, who transferred them to the diocese of Winchester, under which they continue at this day.

* Serck formait une paroisse avec Hermès. Saint Magloire fonda dans l'île de Serck un monastère, qui subsistait encore huit cents ans après lui, c'est-à-dire, du temps d'Édouard III.; car à cette époque la couronne d'Angleterre lui payait une rente: *Conventus Sancti Maglorii in insula Sargiensis*. L'évêque de Coutances était patron de cette paroisse.—*Histoire des Evêques de Coutances*.

† Le 14e Octobre, 575, mourut dans son monastère de Jersey le célèbre Magloire, abbé de Dol, évêque régional en Bretagne, et parent de l'évêque de Coutances.—*Idem*.

In the second year of the reign of Edward the Second, 1309, John Ditton and John Fressingfield drew up an extent of the revenues of the crown in Guernsey, and they recorded the following facts relating to the ecclesiastical affairs of the island. The monks and canons of Mount Saint Michael, in Normandy, were banished from the establishment by Richard the First, duke of Normandy, on account of their dissolute behaviour. On their arrival in Guernsey, they found already settled there, several hermits and other pious persons, by whose holy example they profited, and so great was their moral and reformation, that Guernsey, from that time, was called "the Holy Island."* Several persons of distinction, both English and French, repaired thither from feelings of devotion, bestowing large presents, and contributing munificently to the building and maintenance of parochial churches.

These exiled monks established themselves in the Vale, and founded a chapel and house for their residence, which took the name of the Abbey of the Monks of Mount Saint Michael of the Vale. The island having frequently been pillaged by pirates, who, from time to time, made descents on the coast, the inhabitants, by advice of the monks, built fortifications near to the landing places for their security; the monks also fortified a castle to the eastward of the harbour, immediately fronting the isle of Herm, which was placed under the protection of the archangel Saint Michael.

The monks having taken possession of the lands in the Vale, declared themselves proprietors of it,

* Des religieux du Mont-Saint-Michel fondèrent à Guernesey, vers l'an 962, une abbaye, sous l'invocation de Saint-Michel-Archange. Robert, duc de Normandie, qui commença à régner en 1027, ayant fait naufrage auprès de cette île, fut très-bien reçu de l'abbé, auquel il donna, par reconnaissance, des terres et divers privilèges. Les religieux établirent si bien la foi parmi les habitants, que l'île ne tarda pas de s'appeler l'île-Sainte. Les biens qui ont appartenu à l'abbaye sont désignés maintenant par le nom du Pief-Saint-Michel. Il paraît que le même duc y fonda, avant son départ pour la Terre-Sainte, le prieuré de Lihou, dont l'église fut dédiée en l'honneur de la Sainte-Vierge, le 4 Aout, 1114.

Richard II. y fonda un couvent de Cordeliers, là où est maintenant le collège Elisabeth; c'est l'église de ces religieux qui sert d'église paroissiale à la ville. L'évêque de Porphyre, Guillaume Chévron, y conféra les ordres en 1497.—*Histoire des Evêques de Coutances.*

obliging the inhabitants who cultivated it to pay them the tenth sheaf as tithe, and the eleventh as campart; they also imposed a certain tax on each house, called *ponnage*, which denoted the number of eggs that a couple of fowls would lay in a year, and the annual average was fixed at forty eggs.

We have mentioned at page 4, the existence of a tradition that Robert the First, sixth duke of Normandy, and father of William the Conqueror, landed at Lancrese, in Guernsey, and we now append the following passage from Du Moulin's History of Normandy*—a very rare and authentic work—which we do in the author's own orthography:—

“ Pendant que Robert auoit encor les armes en main, il pense à remettre ses cousins Alfred & Edward en possession de l'Angleterre, inoistement occupée par Kanut : mais auant qu'y apporter de la violence, il tente par vn ambassade si la douceur y pouuoit rien ; Kanut ne veut ouyr parler de restitution : parquoy suuy de sa noblesse & gendarmerie il s'embarque à Fescan ; sa flotte couloit assez heureusement, quand vne tempeste s'esleua & la porta en l'isle de Grenezay ; où les vents les arresterent quinze iours : voyant le temps totalement contraire pour voguer en Angleterre, il commanda de relascher, & à Rabel ou Tanel comte de Longueuille & Chambellan de Normandie, homme valeureux & grand Capitalne, de courir la coste de Bretagne & piller tout ce qu'il trouueroit, pendant que luy descendu au mont de S. Michel, feroit vn gros de caualerie pour contraindre Alain à luy rendre l'hommage qu'il estoit obligé.”

The preceding passage fully confirms the truth of the tradition, and Monsieur Lecanu, in his recent History of the Bishops of Coutances, is mistaken in stating that it was Robert, who commenced his reign in 1087, and who, being shipwrecked in Guernsey, gave land and divers privileges to the monks in return for their hospitable reception, as this prince was Robert the Second, eighth duke of Normandy, and son of William the Conqueror. In undertaking this expedition, Robert the First sought to establish the right of his cousins to the throne of England, which was then usurped by Canute, but a tempest compelled him to seek shelter in Guernsey, and he returned home without effecting his purpose. Being well received by the monks, he gave them the lands of the Vale in full

* Histoire générale de Normandie, par Gabriel Du Moulin, curé de Maneval, à Rouen, 1631.

propriatorship, of which, till then, they held only an usurped possession. After this donation, the monks let out these lands on perpetual heritable tenures to the laity, on condition of receiving, as rent, a certain number of measures of wheat, now called *chef-rentes*. In 1061, the Abbot of St. Michael of the Vale also received a grant of land, conjointly with Sampson D'Anneville, from William, for performing the office of ducal chaplain, whenever the duke visited Guernsey.

By an abstract in the records preserved in the tower of London, dated in the thirty-second year of the reign of Edward the Third, 25th January, 1358, it appears that the abbot's proportion of this grant consisted chiefly of property in the Vale, St. Mary de Castro, St. Saviour, and St. Peter-in-the-Wood. The following are the particulars of that abstract.

An inquest was held before Edmund De Chesney, guardian of the islands, at which twelve men, duly sworn, declared on oath that the priory of the Vale is situate in the Vale parish, and that four churches belong especially to the prior, namely, the church of St. Michael of the Vale, the church of St. Mary of the Castle, the church of St. Saviour, and the church of St. Peter-in-the-Wood: and it is further stated that these twelve jurymen were all parishioners of the four parishes in which these churches were situated. All the rents and emoluments belonging to the prior are enumerated in the following order:—

PARISH OF ST. MICHAEL OF THE VALE.

All the tithe, one half of the burial fees, and one quarter of the cham-	}	Liv. s. d.
part, their united value, one year with another, being estimated in		
lires tournois, at	60	0 0
The corn rent, measure of the island, was valued at 48 quarters, each	}	24 0 0
quarter being worth, one year with another, ten sols tournois.		
Commuted money rent	11	0 0
Thirty capons, valued at fifteen deniers each.	1	17 6
Nineteen hundred eggs, valued at twenty deniers per hundred.	1	11 8
A windmill, valued at.	17	10 0
The privilege of hunting rabbits, valued at	2	0 0
The produce of fish, valued at.	3	0 0

Total of the revenues of the church of St. Michael of the Vale . . . Liv. 120 19 2

This, in sterling money, is equal to £24 3s. 1d.

ST. MARY DE CASTRO.

In the parish of St. Mary of the Castle, the said prior takes all the tithes, and one-half of the burial fees and champarts assessed on the fourth of the parish, their united value being	<i>Liv. s. d.</i>	120	0	0
Corn rent, sixty quarters, valued, one year with another, at		34	0	0
Thirty capons, valued at 17 sols 6 deniers		1	17	6
Two hundred eggs, valued at 33 sols 4 deniers		1	13	4
Two water mills, valued at		30	0	0
The produce of fish, valued at 40 sols		2	0	0
Total revenue of St. Mary de Castro, in sterling, £37 18s. 2d., or <i>Liv.</i> 189 10 10				

ST. SAVIOUR.

In the parish of St. Saviour, the said prior receives all the tithe, and one-half of the burial fees, and champart on one-fourth part of the said parish, the aggregate value of which, one year with another, amounts to	<i>Liv. s. d.</i>	80	0	0
Forty-three quarters of corn rent, valued at		21	10	0
Twenty-five capons, valued at		1	11	3
One thousand two hundred eggs, valued at		1	0	0
A water mill, valued at		10	0	0
The produce of fish ponds		5	0	0
Total revenue of St. Saviour, in sterling, £23 16s. 3d., or <i>Liv.</i> 119 1 3				

ST. PETER-IN-THE-WOOD.

In the parish of St. Peter-in-the-Wood, the said prior receives two parts of the tithes and champarts assessed on the tenth part of the inhabitants, which, one year with the other, are valued at	<i>Liv. s. d.</i>	50	0	0
Twenty-five quarters of corn rent, valued at		12	10	0
Twenty-five capons, valued at		1	11	3
Seven hundred eggs, valued at		0	11	8
Produce of fish ponds, valued at		1	10	0
Total revenue of St. Peter-in-the-Wood, in sterling, £13 4s. 7d., or <i>Liv.</i> 66 2 11				

In cases of shipwreck on certain parts of the coast, the prior was entitled to a portion of whatever was saved, in the nature of salvage, but the sum is not specified, and seems to have varied according to circumstances. His residence was valued at ten livres tournois, so that the gross total of his income was 505 livres 14s. 2d., subject to the following deductions:

He paid the prior of Lihou, annually	<i>Liv. s. d.</i>	15	0	0
Three annual dinners to the bailiff and chief officers of the court of Saint Michael		6	0	0
Annual pension of the senechal of the prior's court		10	0	0
To eleven vavassors, six sheriffs, and three bordiers		12	0	0
Hospitality and alms to all strangers, three times per week		40	0	0
Repairs of mills and sluices		25	0	0
Two annual dinners to eighty men of the island		12	0	0
<i>Liv.</i> 120 0 0				

The balance sheet of the prior's revenue, therefore, stood thus :—

	<i>Liv.</i>	<i>s.</i>	<i>d.</i>
Gross annual receipts.....	505	14	2
Annual expenditure.....	120	0	0
Balance of net income.....	<i>Liv.</i> 385	14	2

As the office of ducal chaplain in Guernsey was likely to be a perfect sinecure, Duke William* must have had some other motive for dividing, in equal proportions, his grant of one half of the island, on the west side, between the abbot and his esquire, Sampson D'Anneville, and their successors, when he rewarded the latter for his defeat of the pirates in the year 1061, as related in pages 5 and 6. Doubtless the abbot afforded every assistance to D'Anneville, and probably was deemed entitled to some share of the reward. Duke Robert, having previously given leave to the abbot to extend his demesne beyond the Clos-du-Valle, some difficulties arose between the grantees, Sampson insisting upon an equal division without regard to the improvements made by the tenants of the abbot. On an appeal to Duke William, it was ordered that the abbot should retain the improved land, which should be deducted from his proportion in the division of the remainder; and this was the cause of the fiefs St. Michael and D'Anneville being intermixed in the confused manner they now are.

It is observable that half of the island is described in the ducal grant by a vague and general expression, to wit: the *west part of the island*. From this we may infer that Guernsey was not then regularly divided into parishes, but only into cantons or districts, which most probably took their names from the families who had first occupied them; but, after the foundation of churches, it became necessary to make such a partition, for the better and more orderly establishment of the different benefices, so that every incumbent might

* William the Bastard, afterwards surnamed the Conqueror. He occasionally signed himself *Guillelmus Cognomento Batardus*.

know the extent of his duty, and where he might lawfully take his dues. We may here also put in contrast the cost of the dinners to the royal court at the fief St. Michael with what it was in the times of which we are treating. It has been stated that the prior paid six livres tournois, or about twenty-four shillings,* for the three annual dinners; now they cost £46 3s. 6d.†

Duke Robert, eldest son of William the Conqueror, before his departure for the Holy Land, gave other estates, which do not seem to be clearly specified, to the bishop of Coutances, for the maintenance of certain monks in the island, and one corvée of land for the use of the bishop himself. About the same date, the abbess of Caen is also said to have received lands in the island, on condition that she educated a certain number of young women in her convent.

The following are the dates at which the churches were consecrated in Guernsey:—St. Sampson's, 22d of May, 1111; the Vale, anciently called St. Michael the Archangel, 29th of September, 1117; Torteval, or St. Philip, 16th of December, 1130;‡ St. Saviour's, 10th of May, 1154; the Forest, anciently called St. Margaret of the Trinity, 3d of September, 1163; St. Peter's-in-the-Wood, 3d of September, 1167; St. Martin's, 1st of February, 1199; the Câtél, anciently called St. Mary of the Castle, 20th of August, 1203; St. Andrew's, 4th of October, 1284; St. Peter's, or the town parish, 1st of August, 1312. The chapel of Lihou, now destroyed, 10th of August, 1114. There were also the small chapels of St. Julian and St. James, in the town; St. Appoline,§ in the parish of St. Saviour; St. Anne, and St. George, in that of the Câtél; St. Peter, St. Sampson, St. Andrew, Torteval, and the Forest, were in the patronage of the abbey of Mar-

* From the preceding reduction of livres into sterling, it appears that about five livres tournois were then equal to the pound sterling; but the denominative value of the livre and the pound sterling, was very different in those early days from what it is at present.

† See documents laid before the house of commons in 1832.

‡ The modern church of Torteval was erected in 1818.

§ This ancient chapel, with its rude stone roof, is still standing, and is now used as a barn. It is a specimen of Cyclopian architecture.

moutiers; St. Peter's-in-the-Wood, St. Mary of the Castle, St. Saviour, and the Vale, were in the patronage of the abbey of Mount Saint Michael; and, finally, St. Martin. By adding to these, Bellouse, or our Lady of Alderney,* under the patronage of Blanchelande; and St. Vignol, that is to say, the islands of Sark and Herm, under the patronage of the abbey of Cherbourg and the bishop of Coutances, we have the twelve parishes of the ancient deanery.†

Prince Henry of Normandy, afterwards Henry the First of England, made a provision in the abbey and convent of Cherbourg, for the benefit of a certain number of religious persons of the small island of Herm; but in the year 1440, a renunciation was made of that privilege. It is mentioned in the precept of assize, of 1331, that the king has no right to take *vreck* in Alderney from the abbot of Cherbourg, who seems to have still had controul over that island,—for the word *vreck* is not here to be taken for sea-weed, but it denotes shipwreck, or anything thrown on the shore by the sea, or, in legal phrase, things *jetsam*, *flotsam*, and *ligan*,—a prerogative still appertaining to lords of manors in Guernsey and Jersey. However, by an extent of the revenues of the crown, drawn up in Alderney about fifty-eight years before the abbot received the champarts, he had, for his dues, three hundred rabbits, and a small due on hogs, called *pesnage*, for liberty to let them run on the commons, all of which was computed to amount to twenty or twenty-five livres tournois annually, the king reserving to himself the rents, pastures, mill, and fish-ponds.

* William the Conqueror gave to the bishoprick of Coutances the church of Alderney, with the tithes and terrā quatuor boum, or as much land as four oxen could plough in one day; and the church of Sark, with the tithes, all the other revenues, and eighteen acres of land.—*Histoire des Evêques de Coutances*, par Lecanu, p. 227.

Aurigny, l'Anica de Ptolémée, ne forme qu'une paroisse. On croit qu'il y a eu un convent de filles au lieu nommé *Nunnerg*, c'est-à-dire, la Nonnerie, et l'on y montre des ruines qui ont dû lui appartenir. Il y a eu une chapelle dédiée à Saint Michel, auprès du cimetière, ou dans le cimetière de ce nom.

Le chapitre de Coutances avait une partie des produits de l'île d'Aurigny, et l'on possède encore l'acte d'une convention relative à leur partage, passée entre les officiers dudit chapitre et ceux de Henri II., roi d'Angleterre, vers l'an 1240.—*Idem*.

† Histoire des Evêques de Coutances, p. 466.

Since the separation of the Channel Islands from Normandy, in the reign of John, the kings of England have always had the right of presentation to the benefices, except to the four churches under the direction of the abbot of Mount Saint Michael; to wit: the Vale, St. Mary de Castro, St. Saviour, and St. Peter-in-the-Wood,—and, in time of war, the king seized all the ecclesiastical revenues of those who were absent, or did not prove loyal subjects, in order that the enemy should not be benefitted by any thing from the island. It was in the reign of John, after he had lost Normandy, that the clergy, who had greater interests in France than in Guernsey, began to manifest that treasonable spirit which ultimately led to the expulsion of their successors.

The canon of Blanchelande having deserted to the enemy, his tithes and revenues were seized upon, and applied to the defence of the island, except a certain proportion thereof, reserved for the dean to read mass, and pray for the souls of the deceased kings, which duty that canon was bound to perform. Another instance of this nature happened during the reign of King Edward the Third, who, being on account of his wars with France, seized of the temporal rights of the priory of Mount Saint Michael, in Guernsey, presented William De Caillard to the curacy of our Lady St. Mary of the Castle; but the bishop of Coutances rejected him, and inducted John Viquet, a Norman; on which the king sent an order to the guardian of the islands to seize on all the income and emoluments of the said curacy, until the bishop should have ratified the royal nomination. A similar order had been sent over to Jersey, in the seventh year of the reign of King Edward the First, concerning the revenue of St. Clement's church, in that island, belonging also to the abbey of Mount Saint Michael.

It was a very ancient prerogative claimed by the

bishops of Coutances, that if the king, or guardian of the island, delayed six months in filling up a vacant benefice, the bishop, in that case, had a right of appointing a curate, though King Edward the First paid but little attention to it. In the twenty-sixth year of his reign, having nominated Robert Lyset to the rectory of St. Peter, the bishop of Coutances refused to give him induction, on pretext that, by the lapse of six months, the right of nomination had devolved upon him; on which the king sent him a mandate, commanding him to induct his nominee, under the penalty of forfeiting all he held within the royal dominions. There are some instances of the rectors having been appointed by the pope, of which we give the following example. His holiness having appointed Peter Le Valleys to the rectory of St. Peter, and put him into possession, one Guillevin ousted him by force, by pleading that he had authority from the patron so to do; but this intrusion was cancelled by an order from King Edward the Second to Otho De Grandison, guardian of the islands, to reinstate the papal nominee.

While the Channel Islands remained under the episcopal jurisdiction of Coutances, the bishop of that diocese appointed a surrogate or substitute in Guernsey, who held the office of dean, and united in his own person the offices of chancellor and archdeacon, having power to give institution and induction, to pronounce sentence in cases appertaining to ecclesiastical cognizance, to certify wills, and to hold visitations. He held the principal benefice of the island, and had a proportion of tithes collected from the different parishes. He took the fees of the ecclesiastical court, and the rents due to the island of Lihou. When the religious houses were suppressed, he received an allowance of one hundred quarters of wheat, paid him by the king's receiver, for his tithes. Those religious houses enjoyed all the predial tithes, for which some of their members performed the cure of souls; but the

bulk of the revenues belonging to them were paid to certain monasteries and abbies in France, on which they were dependent, and of which they were branches.

The first fruits and tenths of these benefices were rated in the bishop's register, the *Livre Noir*, or black book of Coutances, and this record was duly kept till the islands were separated from that diocese. These religious houses were suppressed, and the priors aliens banished from Guernsey by King Henry the Fifth, who, being engaged in war with France, cut off all the resources that the enemy, through the priests, might derive from England, at that time full of priors aliens, and foreigners possessed of ecclesiastical benefices. For this purpose it was enacted by 1 Hen. 5, cap. 7:—

"Whereas there are divers Frenchmen beneficed and preferred to priories and abbies within this realm, whereby the treasures of the realm are transported, and the counsels of the king and the secrets of the realm disclosed to the king's enemies, to the great damage of the king and the realm; that, therefore, all priors aliens, and other Frenchmen beneficed, shall avoid the realm, except only *priors conventuals*, such as have institution and induction; and this also with a proviso, that they be catholics, and give sufficient surety that they shall not disclose the counsels of the king or the realm."

This statute was afterwards extended to the Breton subjects of the queen dowager, formerly widow of John De Montfort, duke of Brittany, who were expelled by 3 Henry 5, cap. 3. This measure included the Channel Islands, by which law the property of the priors aliens fell into the hands of the king, as well in Guernsey as in England, and became part and parcel of the *demesnes* of the crown. A composition was then entered into between the rectors and the governors, by which the former obtained the following proportion of the tithes confiscated, and vested in the king:—

St. Peter's received the seventh sheaf, both of tithe and champart.

St. Martin's the same. *

The Forest, the ninth sheaf of tithe and champart.

St. Andrew's, the fourth do. do. do.

Torteval, the third do. do. do.

St. Mary-de-Castro, the ninth sheaf of tithe only.

The Vale, the fifth do. do. only.

St. Peter's-in-the Wood, the third do. do. only, and the sixth on the fief of Lihou.

St. Saviour's, the whole of the *déserts*, but no sheaf of the tithe.*

* Warburton, p. 19.

As the terms *champarts* and *déserts* are not words in general acceptation, it seems fit that their local signification should in this place be explained, for which purpose we shall make the following extract from Warburton:—

"The *champarts* is derived from *campi pars* a part of the profit of the land reserved for ever, to be paid by the under-tenants to him who was the last owner of the fief, and let it out to tenants, with the reservation of this duty upon it. The first dukes of Normandy granted several parcels of land in the island, to such as had served them in their wars, and granted likewise a very considerable part to some religious houses. These, whether churchmen or soldiers, not being themselves skilled in agriculture, let out these lands to tenants under them, reserving such rents and services as they thought most convenient. Such was this *champart*, which is undoubtedly the most ancient duty; and such were the *chef-rentes*, or rents reserved to the chief lord, which are the most ancient rents, and these have been in use, at the least ever since Richard the First, duke of Normandy, who sent monks from St. Michael *de monte tumbe*, and placed them in the island, which was about A.D. 966, and possibly they may yet be of more ancient date. Those churchmen judged it the most equitable way, and for themselves the most useful revenue, to reserve to their own use a part of the corn produced by the land they let out to their tenants, and it appears to have first arisen after this manner, because no lands pay any *champart*, but such as are *part of some fief*. All other lands, whether held in *franc-aumône* or *franc-alieu*, pay no *champart* at all, and there are some fiefs upon which no *champart* is paid; the lands held of such fiefs are said to pay *grande chef-rente*, which is not a different sort of *chef-rente* from what other lands pay, only it is so called, where there is no *champart* paid. The proportion reserved under the name of *champart*, was the eleventh part of the grain which grew upon the ground assigned to pay *champart*; and so *two* parts out of *eleven* came to be paid by the farmer or occupier of the land, the *tenth* part as *tithe*, the *eleventh* part as *champart*; but then he was not obliged to gather together, and bind up in sheaves the *tithe* and *champart*, as he did his own nine parts, but left them loose and scattered on the ground, until, by a general agreement between those who received *tithe* and *champart*, and the farmer or occupier of the land, it was accorded, that those who were to pay *tithe* and *champart*, should gather together and bind up the corn in sheaf (for this extends to barley as well as wheat,) and for so doing they should pay then but the eleventh and twelfth sheaf, which is now the custom all over the island, except in the Clos-du-Valle, where, out of extraordinary respect for the abbot who resided among them, and to whom the *tithe* and *champart* were due, they were willing to gather together and bind up the corn as the others did, and yet to pay the tenth and eleventh sheaves; and so they do to this day, custom having made it become a due from them, which it is not from others. Upon the dissolution of the monasteries (for which use these *champarts* were reserved, and which also enjoyed the tithes) they all fell to the crown; some when Henry the Fifth suppressed the priors aliens; others when Henry the Eighth dissolved the rest of the monasteries. Some of these *champarts* were in Queen Elizabeth's time again granted away from the crown to particular persons, and are still enjoyed by such as claim under them. The rest remain as part of the king's revenue, and are commonly let out to farm, together with the tithes."

Warburton next explains the nature of *déserts* in the following terms:—

"*Déserts*, in the common acceptation of the word, have some relation to *champarts*, and thus such lands are called *déserts* as have not been ploughed or sown with any sort of grain for the space of forty years together, but employed only for

execution of their criminal sentences, the royal court had orders to provide for the same, whether just or unjust. From all the circumstances of the case it is plain that the bailiff and jurats gave their judgment, but only in the nature of a declaration that, according to, and in consequence of, a sentence submitted to them by the dean and clergy under the sign and seal of the deanery, the three women were condemned to be burned. This clearly demonstrates that the civil magistrates exonerated themselves from the guilt there might have been in the said sentence, as it does not appear that they had even any knowledge of the circumstances or nature of their crime."

And Mr. F. B. Tupper, before he had seen the preceding remarks of Mr. Le Marchant, published the following passage on the subject in the *Guernsey and Jersey Magazine*, vol. 5, p. 116:—

"In observance of the maxim, *audi alteram partem*, we subjoin the following note from the 'Letters to a Prebendary,' by Dr. Milner, a celebrated catholic divine and author:—'C. Cauches, G. Gilbert, and P. Massey, the famous Guernsey women, whom Parsons proves to have been felons and guilty of theft, July 18. The last mentioned of these was mother of the pretended infant martyr, concerning whom such violent outcries have been, and still are, raised. This author proves the mother to have been a prostitute, who, by concealing her pregnancy, was the real cause of her child's death, which, however, happened previously to the burning of its body by the executioner.'

"Parsons, an English jesuit, was educated at Baliol College, Oxford, of which he became bursar and dean in 1572, but, being charged with embezzling the college money, he went to Rome, and turned catholic. Although the evidence of an apostate is of little worth, we should be glad to see his proofs, but have been unable to obtain his work. That these poor women—a mother and her two daughters—were burnt for heresy, and not for felony, as is insinuated, is as certain as that no woman would conceal her pregnancy in such an extremity; but, as regards the infant, there may fairly be some doubt of its having been cast alive into the flames, as is now generally believed. On the other hand, although the inhumanity of such a punishment for such an offence cannot be sufficiently reprobated, yet some allowance should be made for the barbarity of the age, as, nearly a century afterwards, the bodies of Cromwell, Ireton, and Bradshaw were exhumed, and after hanging for some time, were buried under the gallows. Even the remains of Blake were removed from their resting place by the royalists."

On the accession of Elizabeth, the catholics, in turn, became the victims of protestant persecution. The court issued ordinances commanding the delivery of all popish idols and books under pains of heavy fines, dated the 1st of October, 1571. One Richard Girard was flogged through the town for upholding mass, on the 25th of April, 1573; and all strangers were ordered to profess the established religion within a given period, or quit the island, by an ordinance dated the 22d of January, 1593.

In 1563, Queen Elizabeth founded a school in Guernsey, which now bears the name of Elizabeth

College. The property with which this establishment was endowed, belonged to a fraternity of Cordeliers, but the period at which that religious institution was abandoned is doubtful, for it is not clear whether it escheated to the crown, when the priors aliens were banished by Henry the Fifth, or by virtue of the acts of parliament passed during the reigns of Henry the Eighth and Edward the Sixth, by which the Roman Catholic establishments and lands were forfeited to the crown.

The following is a summary of the regulations, passed on the 27th of September, 1563, for the establishment of this national seminary :—

- " 1.—The school to be called the school of Queen Elizabeth.
- " 2.—The church and cemetery of the Cordeliers, with twenty-six perches of ground on the north side, and thirty perches on the south side, given for the building of the school.
- " 3.—To the westward of the church, it is ordered that there be a playground for the pupils, and to the eastward, a garden for the master.
- " 4.—A marble statue of the queen, with the arms of England, to be placed over the gate.
- " 5.—The free use of the public wells and pumps guaranteed to the school.
- " 6.—Eighty quarters of wheat rent assigned to the master.
- " 7.—Defines the duty of the master, and enumerates his qualifications.
- " 8.—The school is open at seven in the morning during summer, and at eight in winter; to close at eleven.
- " 9.—Afternoon school from one to five.
- " 10.—If the master neglects his duties, after having been three times warned by the dean, or if he is guilty of crime or immorality, he is to be dismissed by the governor or his lieutenant, and another master appointed in his stead.
- " 11.—Pupils inadmissible, unless they can read and repeat the catechism.
- " 12.—When a pupil is presented for admission, the master is to exhort him and his parents to pray for Queen Elizabeth.
- " 13.—The master, in presence of the pupils of the parent, is to exhort him to behave with propriety, under the pain of being flogged.
- " 14.—If the scholar is incorrigible, the master, having called together his relations, is to bring him before the dean, who is ordered to reprimand him severely, and if, after having been three times reprimanded, he does not amend his conduct, then he is to be expelled from the school."

On the 13th April, 1565, the bishop of Coutances obtained an order from the lords of the council, addressed to the governor, bailiff, and jurats, requiring, in the queen's name, payment of all such dues and sums of money as had been heretofore, or ought of right to be, paid to him. The prelate, claiming certain sums in the island, as well in right of his abbey

of Lessey, as of his bishopric, sent his procureur, or agent, with orders to make application for their recovery to the governor, who referred him to the bailiff and jurats. They summoned John After, the dean, to appear and answer to the bishop's demands. When he presented himself, the bishop's procureur protested against After, as not having any right to the deanery, or to the parishes of St. Martin and St. Peter-in-the-Wood (both of which, by the queen's appointment, he was possessed of), because he held them without any authority from the bishop of Coutances. The dean replied that he had sworn obedience to the queen of England and her laws in matters ecclesiastical,—that he had renounced the pope and all foreign jurisdiction,—and that he held the deanery and the two parishes by episcopal authority through the bishop of Winchester, who, most probably from other circumstances, had some inspection over the spiritual affairs of the island at that time, though the order for annexing it to that see is of later date. Dean After then declared, that if the agent of the bishop of Coutances would, in his master's name, take the oath of fidelity to the queen,—promise to obey her laws in matters ecclesiastical,—and renounce the pope and his adherents, he would acknowledge the authority of the bishop of Coutances in the island; and he added that he was ready to give any further answer that might be required of him. Thus the matter ended, and the bishop lost his dues.

It was in 1568 that the Channel Islands were finally separated from Coutances, and transferred to Winchester; but they appear to have been previously attached, not only to the diocese of Exeter, but to that of Salisbury, as Warburton says that, "when King John was dispossessed of Normandy, he brought them under the bishop of Exeter's jurisdiction for a short time; but they were soon restored to the bishopric of Coutances, and so continued until the reign of

Henry the Seventh, when, by a bull of Pope Alexander the Sixth, of the 5th of November, 1496, they were again separated from Coutances, and annexed unto the diocese of Salisbury, but afterwards re-attached to Coutances, and so remained, till Queen Elizabeth transferred them to the see of Winchester, about the year 1568."

During the reign of Elizabeth, many French presbyterians arrived in the island to avoid the persecution they suffered in their own country, and, being chiefly disciples of Calvin, and observers of the worship of the church of Geneva, they gradually found means to introduce their own principles. At this time, accordingly, most of the pulpits were occupied by presbyterian ministers, who, being supported by the governor and other authorities in the island, soon began to hold synods, at which they regulated all church affairs. Elizabeth, by an order dated the 18th of August, 1565, sanctioned the presbyterian discipline and form of worship in St. Peter's-Port, Guernsey, and St. Helier's, Jersey: the indulgence was abused, for though limited to those parishes, their example was soon followed by all the country parishes in both islands. Indeed, the governors favoured the innovation, and in 1563, two years before the date of Elizabeth's order, Sir Francis Chamberlayne, governor of Guernsey, had allowed the clergy to appoint elders and deacons, and form themselves into a consistory, which met every Thursday, the governor, bailiff, and some of the jurats being members of it. Warburton says—

"An alliance was made between them and the consistory of Jersey, of which Mr. Amias Poulett, then governor of Jersey, was a member; and it was agreed between them, that a synod should be held, at least once every year, in each island alternately, for the regulation of the affairs of the churches in both islands. The first of these synods was held in Guernsey, on the 28th of June, 1564, of which John After, who had the title of dean of Guernsey, was a member, but did not preside, nor had he any more power or authority than the rest of the synod; nor does it appear that he performed any sort of ecclesiastical function in the island as a minister. The probate of wills he retained, and there are yet some to be seen under the seal of his office; and the same course was continued till Mr. John De Vic's time, who was the king's procureur, about the year 1607. On the 1st of September, 1564, by the desire of the governor of Jersey, and of some others,

receiving the canons there established. Divers letters passed between them, wherein the matter was at large debated ; but those of Guernsey remained constant to their first resolution, from which they never departed during the reigns of James the First, and of his son Charles the First.

Though James the First confirmed the engagement of Elizabeth to permit the continuance of presbyterianism in the islands, he did so with reluctance, having secretly resolved to introduce the Anglican form at the earliest convenient opportunity ; but he was fearful of taking any precipitate measures, lest he might alarm his Scotch subjects, whom he was most desirous of bringing within the pale of conformity ; indeed he was so infatuated with episcopacy, that he constantly used the phrase "No bishop, no king." Dr. Heylin has minutely recorded the circumstances which led to the downfall of presbyterianism in Jersey, and his statement we shall briefly condense.

The curate of St. John's parish, in Jersey, being dead, the colloquy appointed one Brevint to succeed him ; against this nomination the governor and attorney-general protested, as prejudicial to the royal prerogative. However, their objections were overruled, and the colloquy carried their point. But the governor, Sir John Peyton, and Marret, the attorney-general, forwarded to council a bill of articles against the colloquy, declaring that they had usurped the patronage of all the benefices in the island, and admitted men to livings without any form of presentation, by which his majesty was deprived of vacancies and first fruits. To remedy these, and other evils, they prayed the king to grant them such a form of discipline and church government, as would prevent the repetition of similar abuses. In consequence of this application, Sir Robert Gardner and Dr. James Hussey were sent over as commissioners to Jersey, in 1607. The ministers of the island, aware of their

intended visit, had prepared their defence, which was reduced under two heads. They contended that their appointment of persons to the ministry, and their exercise of ecclesiastical jurisdiction, had been confirmed to them by his majesty ; and that, as to first fruits, it was a payment which had never been exacted from them since their separation from Coutances. Upon this answer, the affair was again referred to the king in council, the commissioners stating that they were only empowered to inquire into facts, and not to pronounce any judgment.

While the final decision was pending, disputes arose in the island between the preachers and the laity. The jurats annulled the sentences pronounced by the consistory. The civil tribunal thus claiming paramount authority, the people began to dispute about the tithes, and challenged the clergy to show by what legal title they laid claim to them. Their benefices were declared liable to first fruits and tenths by command of the governor, and one of the constables even went so far as to charge them with hypocrisy and tyranny before the royal court. They were also accused of holding secret and treasonable meetings. Thus harassed, the clergy besought the governor to intercede for them with the king, but he indignantly rejected their appeal to his protection. They next addressed themselves to the Earl of Salisbury, then high in favour with the king, being lord high treasurer and chief secretary. He pretended to listen favourably to their complaints, and advised them to modify their system and induce the Guernseymen to do the same, for, if he once persuaded them to abandon the main principles of their discipline, he hoped gradually to gain so many other concessions as would ultimately favour the introduction of the anglican liturgy. The presbyterians caught at the bait ; but while they were still deliberating what course to pursue, the Earl of Salisbury died, on the 24th of March, 1612.

Shortly after the decease of that nobleman, the parish of St. Peter, in Jersey, being void, the governor presented it to a clergyman, named Messervy, who had lived some time at Oxford, and was patronized by Doctor Bridges, bishop of Oxford. The colloquy refused his admission, not so much because he was presented by the governor, but chiefly on account of his having been ordained by that prelate; to accept Messervy, seemed to them almost an acknowledgment of episcopacy. The new incumbent, however, in spite of the warmest opposition, enjoyed the profits of the living. These proceedings gave rise to another complaint to the king in council, in which it was stated that the inhabitants, generally, were discontented with the discipline of the church, and that the majority of them preferred the anglican form. On this, both parties were commanded to appear at court, the governor and the secular states to prosecute their suit, and the ministers to put in their defence. Marret, the attorney-general, and Messervy, the incumbent of St. Peter, were furnished with a formal petition from a considerable number of the laity, praying the king to establish the book of common prayer in the island, and settle among them some ecclesiastical officer, with episcopal jurisdiction. On behalf of the presbyterians were deputed Bandinel, Oliver, Effart, curate of St. Saviour, and De La Place, curate of St. Mary. They were specially instructed not to assent to any change whatever, and resolutely to maintain the existing discipline without compromise.

On their arrival in London, the king referred them to the council, and the council ordered the whole case to be heard before the Archbishop of Canterbury, Lord Zouch, and Sir John Herbert, then principal secretary of state. The cause was privately argued before them by the deputies, and the discussion was marked by wrangling and contradiction; whatever one party affirmed, the other denied, and it became impossible

for the judges to ascertain the real facts. At length the governor found means to divide the presbyterians, by promising De La Place, if episcopacy were revived, to secure him the deanery. The ambitious priest was lured by the bribe, and forthwith betrayed his companions in expectation of the promised reward. All unity of resistance being thus broken, the Archbishop of Canterbury announced to the disputants, that it was deemed most expedient to establish among them the authority and office of dean,—that the book of common prayer, printed in French, would again be introduced into their churches, though the ministers would be allowed some latitude in using particular passages,—and, finally, that Messervy should have quiet enjoyment of his preferment. Both parties were then ordered to return home.

Shortly after the return of the deputation to Jersey, Sir Peter De Carteret, by orders received from council, gave notice to the ministers that they were required to make choice of three learned and pious clergymen, whose names they were to forward to the council board, when his majesty would select one out of the number to fill the office of dean. This notification excited great discontent, for there were many aspirants to the deanery; each thought himself most entitled to the prize, and each felt reluctant to acknowledge a superior. However, their suspense was short; the governor recommended Mr. David Bandinel, and he was approved of by the Archbishop of Canterbury. Letters patent, dated the 8th of March, 1619, were prepared, and these invested Bandinel with the dignity and office of dean. At the suppression of the deanery, the governor had taken into his hands the probate of wills: this function was restored to Bandinel, as well as the cognizance of matrimonial causes and tithes.

In order to carry these new regulations into effect, certain canons, or ecclesiastical constitutions, were

drawn up, and they were called the *INTERIM*, which denoted that they were temporary and subject to future revision, or, to use the language of the articles themselves, "in the *interim*, until his majesty should be fully informed what laws, &c., were meet and fit to be established for the good government of the said island in causes ecclesiastical, &c.,—to grant commission, &c.,—to exercise the ecclesiastical jurisdiction there according to certain instructions signed with our royal hand,—to continue until we may establish, &c." In this *INTERIM* there was a clause, whereby the ministers were exempted from commanding the observance of holydays, from using the sign of the cross in baptism, from wearing the surplice, or requiring the people to kneel at the communion.

Dean Bandinel, on his return to Jersey, took possession of his office in a meeting of the states of the island, and forthwith began to exercise his jurisdiction. He met with some opposition from Sir John Herault, the bailiff, who was displeased at seeing many causes removed from his tribunal to the ecclesiastical court; but the crown supported the dean, and the bailiff was suspended for four years. The ministers generally submitted to the new regulations, but De La Place, disappointed in not receiving the promised deanery, retired to Guernsey. The introduction of the liturgy, however, was resisted; but, after six months, the clergy assented to its adoption. The canons and ecclesiastical constitutions of James the First were definitively settled and established in Jersey by royal letters patent, dated the 30th of June, 1623.

While the British government were thus endeavouring to introduce the polity and ritual of the Church of England into Jersey, in which attempt, as we have seen, they ultimately succeeded, Guernsey still maintained the presbyterian form and discipline; indeed, no attempt was made during the reign of James to disturb the religious opinions of its inhabitants. Dr.

Heylin attributes this apparent negligence to a studied and artful policy, James, according to his statement, preferring to negotiate with one island at a time, lest simultaneous interference with both should have roused a hostile co-operation. When Dr. Heylin visited Guernsey, in 1629, four years after the death of James the First, the military chaplain, who had accompanied the reinforcements from England, applied to De La Place, then all-powerful among the presbyterians of that island, for leave to perform divine service in his church when not occupied by his own congregation, and the latter only assented on the express condition that neither the liturgy should be read, nor the communion administered. In consequence of these reservations, says Dr. Heylin, whenever any one proposed to receive the sacrament, he was ferried over to Castle Cornet, where the ceremony was performed in the great hall. He also states that it was customary, in the town parish, to deliver a lecture every Thursday, and that, in 1623, Christmas day happened on a Thursday, in consequence of which the presbyterians put off the sermon; "an opposition," says the doctor, "far more superstitious than any ceremony, or observance of a day, though merely Jewish."

While the roman catholic religion prevailed in the Channel Islands, both Guernseymen and Jersey men studied divinity in France. But, after the reformation, Queen Elizabeth having transferred the spiritual controul of the islands from Coutances to Winchester, it became necessary to provide other means of instruction. In the time of Archbishop Laud, an estate, consisting of seven houses and two gardens in London, and 123 acres of meadow and pasture land, with 205 acres of wood, in Buckinghamshire, escheated to the crown. The primate prevailed on King Charles the First, to endow, out of this property, three fellowships at Oxford, one in each of the three colleges of Exeter, Jesus, and Pembroke, for the benefit of students from

Guernsey and Jersey, to be held by them alternately. On the 27th of June, 1635, this recommendation was carried into effect, the king reserving to himself the first presentation. It was further decreed, that to whichever of the two islands the first presentation should fall, the other island should come in for the next two turns, and so on, in continual rotation for ever. After a suitable residence at Oxford, the fellows were required to return to their respective islands to serve God in the church, if becoming situations offered. The heads of the colleges were ordered to notify to the dean and jurats of the islands every vacancy, that they might nominate a successor. Until the vacancy was filled up, the revenue of the fellowship was vested in the college.

During the rebellion, and the protectorate of Cromwell, the presbyterian form of worship and discipline remained in full vigour throughout Guernsey; but, after the restoration of Charles the Second, the act of conformity was enforced, and the office of dean revived. On the 15th of July, 1663, the following order was directed to Christopher, Lord Hatton, governor of the island:—

“Charles Rex.—Right trusty and well-beloved counsellor, we greet you well. Though we do conceive to have given abundant testimonies of our goodness and clemency to our subjects of the island of Guernsey and its dependencies, as in other things, so particularly in passing by unpunished their miscarriages during the late troubles, we have not thought it enough to rest there (such is our tender care of their good and settlement) and not use all other means in our power to preserve them from relapsing into their former distempers. To this purpose, calling to mind how their dissenting in matter of worship and church government, from that which was used and established in the rest of our dominions, was the chief, if not the only, cause of the late disorders among them, we have thought it the best way, for preventing the like in time to come, to comprehend them in the common act of oblivion, and likewise to have them included in the act of uniformity, which we have lately passed in our parliament. And, accordingly, approving of the presentation made by you to the right reverend father in God, George, bishop of Winchester, diocesan of the said island and dependencies, in the person of John De Saumarez, one of our chaplains, and minister in the same, to be the dean of that island and dependencies, from the good report we have had both of his sufficiency and abilities to discharge that office, and of his fidelity to us, and approved inclination to our church government. These are to will and require you to see the said John De Saumarez duly settled in the deanery aforesaid, with all the power and jurisdiction belonging to it, and to be fully obeyed in the exercise of the same, and particularly in causing the liturgy of our Church of England to be read and used in the said island and dependencies, throughout all the

churches there, according to the said act of uniformity, and such instructions and directions as he shall receive from his said diocesan. And because we are given to understand that the douzeniers of the several parishes in our said island have diverted unto other use certain revenues and rents belonging unto those churches to which they have been given from ancient times, for their reparation and maintenance, whereby they are fallen into great decay, and a great part of them into a condition nothing suitable with that decency which is required for the due performance of holy duties and services in public assemblies; these are likewise to will and require you to be aiding and assisting unto the said dean, in having those rents and revenues restored to their ancient primary uses, and to that effect, to be put into the hands of the respective churchwardens of every parish, to be employed by them as the said dean, with the advice of the minister of the parish, shall direct and order, for the reparation, maintenance, and ornament of the said churches, in a fit and decent manner. In all which particulars, as we do expect all ready and due obedience to these, our commands, from the bailiff and jurats, and all others whatsoever bearing office in our said island and dependencies, and in general from all our subjects there; so, if, contrary to our expectation, there should be found amongst them any of such evil and turbulent spirits as should attempt any disturbance or disquiet there, or in any sort hinder or oppose him, the said dean, or any employed by him, in the due and lawful execution of the premises, our will and pleasure is, that in such case you shall call such persons before you, and use such course as you in your prudence shall think fit, in order to the preservation of the public peace of the church and of the island, and of the dean's authority; and that if you cannot reduce them to a better temper, you shall send or bind them over to appear at our council table, there to be proceeded against according to their demerits and offences. Given at our honor of Hampton Court, the fifteenth day of July, in the fourteenth year of our reign."

No resistance was offered to this order, and Mr. Saumarez was duly installed in the office of dean, but the people secretly retained their old affection to presbyterianism, and the following order in council, dated the 24th of July, 1665, seems to imply that the strong hand of royalty was again needed to enforce the liturgy and discipline of the anglican church:—

"To our trusty and well-beloved, we greet you well. Our trusty and well-beloved the dean of Guernsey having given us to understand the great readiness and affection you have shown heretofore to establish the discipline and government of our Church of England in that, our island, we cannot but take notice of it, as an endeavour which has been very pleasing and acceptable to us, not only very much conducing to the advancement of God's holy worship, but to the good and quietness of that place; and, accordingly, we have thought fit, upon the said dean's return to you, to will and require that, wherein he may have need of it towards perfecting so good a work and the maintenance of his ecclesiastical jurisdiction, according to his commission, and the instructions he has received from the Right Reverend Father in God, George, lord bishop of Winchester, all the authorities be aiding and assisting to him, the said dean, wherein you will do us very good and acceptable service; and so we bid you farewell."

The terms in which this order is worded, clearly show that the people had none of the "great readiness and affection towards the discipline and government of the Church of England" which Charles thought it

politic to ascribe to them: had they been as docile as they were represented to be, there would have been no necessity for again calling on the authorities to support the authority of the dean. This document was presented to the royal court on the 19th of August, 1665, and it seems to have produced very little effect, for six years afterwards, on the 4th of October, 1671, Dean Saumarez presented the following order to the same tribunal:—

“Charles Rex.—Trusty and well-beloved, we greet you well. Whereas it has been humbly represented to us by our trusty and well-beloved John De Saumarez, doctor of divinity and dean of the island, that he has reason to fear, without public countenance and support from you, he will meet with some difficulty in causing the orders of the ecclesiastical court there to be put into due execution, for the suppression of factions, conventicles, and other notorious and contumacious disturbances of the peace of the church, whereon the peace and quiet of that island in so great a measure depends; we have taken the same into our consideration, and being highly sensible how much it imports the good of that, our island, that the civil power be in all things aiding and assisting to that of the church, in the punishment and reduction of such scandalous and open despisers, both of church and government, we have thought it fit hereby to signify our will and pleasure unto you, and to direct and require that you be in all things assistant to the dean of that island in his regular and due proceedings, according to the orders of the ecclesiastical court, for the suppression of all such stubborn opposers of conformity and true religion; and more particularly that, whenever any minister shall presume in his sermons and prayers to meddle with civil and secular affairs (which by dreadful experience has been found to be matter of dangerous consequence), or add any thing of his own to the known and public liturgy of the church, you do, upon complaint or request on that behalf made from our said dean, afford him your assistance and countenance therein, towards the speedy prevention of any such presumption in future, and the punishment of the person or persons who shall in such manner offend. And so we bid you farewell. Given at our court at Whitehall, 8th of September, 1671, in the 23d year of our reign.

(Signed)

“ARLINGTON.”

The non-conformists still appear to have shown strong reluctance to accept the anglican form and discipline, for on the 24th of March, 1676, the royal court were again ordered to assist the ecclesiastical court, and see that the churches were kept in good repair. At the same time it was ordered that prayers should be read twice every day in the town church. On the 8th of September following, an order in council commanded the royal court to assist the dean against sectarians, and those ministers who alluded to civil and secular affairs in their sermons, or who introduced any additions to the liturgy.

We again find Dean Saumarez, on the 14th of April, 1677, presenting another order in council, the object of which was still further to strengthen the ecclesiastical jurisdiction of the Church of England within the bailiwick :—

" Charles Rex.—Trusty and well-beloved, we greet you well. Having taken into our consideration the good effects of the government of the church, as the same is established in our island of Guernsey, and being desirous, by all fit means, further to secure and provide for the peace and welfare thereof, we have thought fit, upon the humble representations made to us on that behalf, to recommend the following directions to your care, and do hereby will and require :—

" ' That, after the ecclesiastical court has proceeded so far as ex-communication against contumacious persons, the civil magistrates, upon certificate thereof from the said court, be aiding with their authority to reduce them to obedience, in such manner as may be required by the canons of our island of Jersey.

" ' And, whereas we are informed, that the monies appointed for the dilapidated state of the churches of that, our island, are not sufficient for the accomplishment of that work, our will and pleasure, therefore, is, that upon certificate thereof, under the seal of the ecclesiastical court, the bailiff and jurats, at the request of the churchwardens of the respective churches, make an assessment for that purpose, taking care that the same be levied as heretofore has been the custom on similar occasions.

" ' And our further will and pleasure is that, for the better edification of the people of that, our island, prayers be continually read morning and evening at canonical hours, in the church of our town of St. Peter, according to the rubric of our liturgy ; and the same salary is to be paid to the reader, as was paid and allowed immediately before the settling of the liturgy, such deductions only out of the said pension excepted, as, upon a complaint to the ecclesiastical court of the reader's not attending the said service, by himself or another, shall from time to time be judged reasonable to be made.

" ' And, lastly, our will and pleasure is, that our former orders for the suppression of conventicles and punishment of the disturbers of the peace of the church be duly executed ; and that all our officers and ministers, as they shall be thereunto required, be aiding and assisting to the dean of that, our island, or his deputy, in the maintenance of the discipline of our church and the liturgy thereof.' "

On the 11th of December, 1678, King Charles the Second addressed the following order to the bailiffs, deans, and jurats of the islands of Guernsey and Jersey :—

" Trusty and well-beloved, we greet you well. Whereas our royal father of happy memory, for the encouragement of learning in our islands of Guernsey and Jersey, did found and endow three fellowships in our university of Oxford, to be, from time to time, supplied by persons *born* in our said islands, and upon all vacancies to be nominated by you, the bailiffs, deans, and jurats of the said islands, under such rules and limitations as, by his charter of foundation, it doth more at large appear. And whereas the present Lord Bishop of Winchester, for the aforesaid end and purpose, has lately founded and endowed *five* scholarships in the said university, to be, from time to time, in like manner, supplied by the nomination of you, the bailiffs, deans, and jurats of the said islands, and under the like rules and limitations as above mentioned. For the rendering both foundations most subservient to this designed end, our will and pleasure is, that in the nomination of fellows into places which shall be hereafter vacant, such shall be preferred as

have been formerly nominated to their respective scholarships, and have, by their good carriage and improvement in learning, fitted themselves for the employments which belong to fellows in their respective societies, and given hopes of their future proficiency."

The following is the substance of the charter, or indenture of foundation for these scholarships:—

"1.—George Morley, bishop of Winchester, founds five scholarships at Oxford for the islands of Guernsey and Jersey.

"2.—This he does for the encouragement of virtue, education, and the advancement and propagation of true religion in the said islands, forming part of his diocese, and with the intention of animating the said scholars to qualify themselves to be advanced to the rank of fellows.

"3.—The sum vested in the Dean of Christchurch, and the Chapter of Pembroke, for this purpose, is sixty-eight pounds, eleven shillings, and nine pence sterling.

"4.—The dean and chapter shall receive, annually, sixty pounds sterling; the remainder being otherwise disposed.

"5.—Five scholars of the college of Pembroke, natives of the isles of Guernsey and Jersey, shall each receive ten pounds sterling out of this donation, and the said scholars shall be called Bishop Morley's scholars.

"6.—There shall be paid to the principal of the college, forty shillings per annum for the apartment of each scholar.

"7.—The revenue of vacant scholarships shall be applied to the use of the said college of Pembroke.

"8.—The engagement of the college to receive the scholars is thus worded:—That they, the said master, fellows, and scholars, shall and will, from time to time, and successively for ever, admit and receive into the said college five scholars, born, and to be born in the said islands of Guernsey and Jersey, to be called Bishop Morley's scholars.

"9.—The dean, bailiff, and majority of the jurats of the respective islands shall nominate the scholars.

"10.—Three of the scholars shall be natives of Jersey, and two of Guernsey.

"11.—A scholarship shall be vacant by death, resignation, promotion, removal, and always after the lapse of ten years.

"12.—Thirty days after a vacancy, notice shall be given to the dean, bailiff, and jurats, that they may supply it.

"13.—The scholars must be duly qualified before election.

"14.—The scholars are not to retain the appointment more than ten years, nor after having obtained a living, or any other emolument; and they are to be resident in college.

"15.—They may obtain permission to travel in France.

"16.—But they shall solemnly promise to return to the islands to serve the public, as preachers, or schoolmasters, or otherwise.

"17.—At the age of twenty-one, each scholar shall solemnly bind himself, before the dean and the bailiff, in a penalty of two hundred pounds, to fulfil his engagements. Such as refuse shall not be admitted.

"18.—Such as have attained the age of twenty-one, and refuse to ratify their promise, shall be deprived of their appointment."

During the short reign of James the Second, an attempt was made to introduce the doctrine and discipline of the Church of Rome, but it was vigorously and successfully resisted, and the accession of William and Mary to the English crown secured the principles

of the reformed religion in Guernsey. In 1699, the Bishop of Winchester forwarded canons and ecclesiastical constitutions to Guernsey, Sark, and Alderney, calling on the clergy to state their objections, if any were entertained. They were partly founded on those of Jersey, though they contained some new points, and were most unfavourably received. Their nature will be best understood by recording the objections made by the clergy to the respective clauses.

The letter of the bishop first promised an amnesty for the past. To which the clergy answered—

"We do not think we need an amnesty, because, since the discipline of the anglican church has been established in the islands, we have always governed ourselves by the canons of that church, in conformity to our oath. There has been no complaint against us on that account, and where there is no fault, there can be no necessity for amnesty or pardon."

With respect to the canons, they observed generally on the whole of them, that they were copied word for word from those of Jersey, with the exception of certain omissions in reference to the authority of the dean and clergy, to the prejudice of Guernsey; and that they never intended to adopt the canons of Jersey, but simply and purely the anglican discipline:—

"Canons 1 and 2.—The two first canons seem superfluous for insertion into the new canons proposed for us, since they are in substance only a repetition of those of the anglican church, which we have sworn to observe and cause to be observed; our oath to that effect is sufficient.

"Articles 3 and 4.—We may make the same remark on these two canons for the regulating divine service: they are not new canons; and, since we are obliged to preserve their provisions by the oath we have taken to obey the canons of the Anglican Church, these proposed can impose on us no additional obligation. If a conventicle is established, the canons do not point out how it can be suppressed. The rector of the parish must tolerate it. This is one of the general defects of the canons proposed, that they omit fixing any penalty on transgressors of the rules they prescribe, which is not the case with those of the anglican church. This evil it will be impossible for us to remedy, if discipline has no hold on us as it is pretended. The same canon is also defective, because it only enforces respect for divine service; it ought to extend to sermons and other pious exercises.

"Article 5.—It were to be wished that this canon were observed, but it appears impossible in this island. In all the parishes there is not one individual who would attend pious services on week days, the greater part being occupied in cultivating their lands, as those who importuned for these canons are well aware.

"Article 7 related to the communion. The clergy proposed to add, that no minister should be obliged to baptize in houses, unless a child was in danger of death; and they stated that this practice had become too prevalent in the island.

"Article 8.—The canon seeks to compel every parishioner to take the sacrament three times in a year; but in case of his refusal, the penalty to be inflicted should

be pointed out, especially as there are many persons who never communicate once in several years, and others during life. It is also proposed that kneeling be observed, as prescribed by the liturgy of the Established Church.

"Articles 11, 12, 13, and 14.—These canons are deemed superfluous, they being already maintained as belonging to the anglican church.

"Article 15.—This is objected to, because it orders the clergy to preach two sermons on Sundays, the evening one to be on the catechism, which the rectors are not bound to perform,—which would be an innovation and an insupportable burden. They are already obliged to read divine service, and deliver their sermons *extempore*; but this canon surcharges the ministers. It says: 'after noon, they shall examine and instruct youth in the catechism of the book of common prayer.' It is to be presumed that no one would be present. If the ministers are constrained to read divine service and preach a sermon in the morning, the majority of the parishioners would not attend church. The ministers are now obliged to perform the offices of religion between one and two to please the people; if the proposed canon were adopted, none would frequent the church either in the morning or the evening. With respect to the town, this canon might be executed, unless it were turned into mockery by saying that nothing but the catechism was preached in the afternoon.

"Articles 16, 17, and 18.—These are deemed superfluous, being copied from those of Jersey.

"Article 19.—This proposes to retrench the rights of the rectors, and divide the fees paid for burials within the church between the ministers and the *trésor*; up to this time the *trésor* has never participated in, or claimed, such fees. Were the benefices sufficiently opulent, and did frequent burials take place within the church, there might be some pretext for this canon; but the benefices are scarcely worth fifty pounds sterling per annum, and one of these burials does not take place annually in every parish in the island. Moreover, the churchwardens have never pretended to any such claim.

"Article 21.—The nomination of the dean does not fall within the province of the rectors, nor does it become them to inquire whether he is lax in opposing heresy, or incapable. Neither the dean nor the vice-dean have ever sworn before the civil court rightly to perform their duties, nor registered their patents or commissions. The contrary rule is stated in the 127th canon of the anglican church.

"Article 23.—This canon relates to jurisdiction in criminal cases. The dean and the ecclesiastical court can only have cognizance of the majority of crimes by appeal, or by a report furnished by the rector of the parish in which the delinquents reside; the magistrates can only know them after they have been sent to them by the ecclesiastical court, as meriting corporal punishment; but the civil court pretend to the contrary, claiming jurisdiction over cases which happen in the church, without awaiting the judgment of the ecclesiastical court.

"Article 24.—Day labourers receive more for their work, than a minister does for his visitations. This is dishonouring the ministry. It would be better that they did not charge anything, rather than offer them a remuneration unworthy of their character.

"Article 25.—It is contrary to the canons of the anglican church, interferes with the authority of the dean, and opposes the usage of the island.

"Article 26.—This article should be limited to those who are about to enter the ministry, for those who are already in orders, are not obliged to give any proofs of their capacity; as to their conduct, since many come here who are only known to the patron of the living, the clergy of the island cannot answer for them. This canon, moreover, attacks the rights of the patron, and might create jealousies and resentments among the clergy.

"Article 27.—The dean alone, according to the usage of the island, and the canons of the anglican church, as well as that of Jersey, can alone approve and testify wills; and if their validity is contested, the matter must be decided by the ecclesiastical court.

"Article 28.—This canon takes from the ecclesiastical court its natural right and transfers it to the civil court; and why should not the former judge of the property

in sittings in the church, the rights conferred on such sittings, the validity of objections raised against them, and the title by prescription, as well as the latter, and as this has always been practised. It is in the registers of the former that the donations of such sittings, and the titles which prove the rights of individuals, are contained. It thus falls within the province of the ecclesiastical court to judge of what has been done, and decided by its own authority. Moreover, a prescription of forty years would furnish many subjects of dispute and scandal.

"Article 29.—This canon takes from the dean cognizance of abstractions of tithes.

"Articles 31, 32, and 33.—These three are in substance those of the anglican church.

"Article 34.—This canon subverts all the rules hitherto observed in the distribution of the *trésor*; and contradicts the order of Charles the Second, given to the late Mr. Samarez, dean of this island; and it takes from the present dean and his successors all proper cognizance, as he will not alone superintend the auditing of the accounts. Moreover, should the principal inhabitants make a bad use of the *trésor*, what can the minister do against them? They generally assist in making up the accounts, and if there are abuses, they can point them out; in which case they may appeal to the ecclesiastical court for a suitable remedy; but they have no right to expend the *trésor* as they please. The dean and rectors alone are competent to judge of the accounts of the *trésor*; if they abuse their duty, a remedy may be found through the ordinary channel. The churchwardens are to govern their conduct by the advice of the dean and rector of each parish, and not by the advice of the principal inhabitants of the parishes; this right has from time immemorial belonged to the dean and rectors.

"Articles 35, 36, and 37.—We make no objection to the first canons; but the 37th seems to lose sight of the right which the rectors have of distributing to the poor certain alms as he may judge proper, and according to circumstances. Moreover, this canon does not state that the collectors cannot distribute alms without the advice and consent of the rectors; it even seems, by the terms in which the canon is worded, that they can give alms without consulting the clergy.

"Articles 44.—We do not see any reason for removing the greffier of the ecclesiastical court, nor why he should not be one of its assessors. This practice has obtained ever since the discipline of the anglican church was introduced into the island. It would, moreover, be a marked affront to the present greffier, who has discharged the duties of his office with honour for thirty-eight years, if he were displaced. It seems also to us, that a clergyman is most likely to be well versed in the forms and procedure of the church, and more attached to his order than a layman, who might often betray the secrets of the clergy. Also the proctors ought to be chosen by the dean, as well as the greffier.

"Article 45.—This canon also attacks the independence of the ecclesiastical court; it already has two proctors, and we object to any other person pleading in the court.

"Article 46.—This canon is very disadvantageous to the clergy; if it is enforced, it must diminish, if not annihilate, the rights of the dean and rectors, and cause great disputes. The intention of the people of this island is to fritter away those rights, which already are sunk so low that we cannot speak of them without blushing. It is quite as unbecoming that any part of our rights should be defined or controuled by the civil court, as if we were to interfere with the rights of the civil judge. We have our own rules, and we demand to exercise the same customs as belong to our diocese, for licenses, dispensations, marriages, and burials. If we violate the laws of the state, then let the civil court have cognizance, and determine what belongs to us. Our rights are fixed by the canons, and by the constant usage of the anglican church, of which we are members; wherefore we claim the same privileges, without requiring any new canon, or without the magistrate modifying what is settled. We are persuaded that the magistrates would never enforce the payment of fees for marriages and burials, since they already refuse to pay them; and let all the world grumble as they please at licenses, the cost is a trifle; the dean receives six shillings and eight pence, and the notary three shillings and four pence. All that can be alleged to deprive us of these dues, is the pretext

that the people are poor, as if there were not persons in the island of easy circumstances, and as if the people did not live as well as those of England. The real object is the humiliation of the clergy, there not being a family who would freely give thirty pence to a rector for his marriage. We desire, therefore, that the table of fees should be fixed by the clergy, or that they should be the same as those which are paid in the diocese of Winchester, and that they should be authorized by our diocesan."

This document shows that, up to 1699, presbyterianism still influenced the people of Guernsey; but, by degrees, they were induced to adopt the service and discipline of the Church of England, though, as recently as 1755, the dean was obliged to have recourse to the civil power to enforce the reading of the litany, and to this day the surplice is not used in the parish churches, although it has been introduced of late years into some of the chapels of ease.

Notwithstanding the endowment of the three fellowships and the five scholarships at Oxford, of which we have made mention, we find the following acts of the royal court:—

"May 14, 1723. The court having judged proper to allow again to the son of Mr. Thomas Williams, student at Oxford, the sum of 400 livres tournois, to continue his studies the present year, to be taken from the revenue of the fund given to the poor by the late Mr. John De La Cour, Mr. Thomas Fiott is desired to give the said sum to the said Williams.

"Chief Pleas, April 13, 1724. The court having taken into consideration the petition of Thomas Williams, has judged proper to allow again to his son the sum of fifteen pounds sterling, to finish his studies at Oxford, which sum shall be levied from the revenue of the fund given by Mr. De La Cour, and from that given by Mr. Thomas De Lisle to poor scholars."

In 1735, an order in council settled a disputed point between the clergy and the royal court, as to the seat of the former in the states. It directed "that the clergy of his majesty's said island of Guernsey be restored to their *usual seat* on the left hand of the bailiff, or lieutenant-bailiff, in all assemblies of the states in his majesty's said island of Guernsey, and that the aforesaid act or order of the royal court, whereby fines have been imposed upon the clergy for their non-attendance in the assembly of the states, be reversed and set aside, and the said fines restored to the petitioners in case any have been paid."

A dispute of a similar character, though relating to the dean alone, was settled by an order in council of the 26th of June, 1760. The Bishop of Winchester, and the Earl Delawarr, governor of Guernsey, represented to the board :—

“That the dean of Guernsey is always appointed by the governor of the island immediately under the king, and, when made so, is always constituted by the Bishop of Winchester, his commissary or judge of the ecclesiastical court of that island, and has ever enjoyed the privilege of being summoned as a member of the states of that island, and giving his vote in them; but it appears that the royal court of Guernsey have refused to summon the present dean, or to allow him his vote, demanded by him, and never denied to his predecessors, and, therefore, they humbly request that orders may be given for granting to the present dean all the power and privilege which his predecessors, in the same office, have always enjoyed. Which representation having been this day taken into consideration, it is judged proper to order, and it is hereby accordingly ordered in council, that the present dean of the island of Guernsey do hold, possess, and enjoy all the power and privilege which his predecessors in the same office have, at any time heretofore held, possessed, and enjoyed.”

The dean, however, as such, has no right to a seat in the states, as he only enjoys that privilege in virtue of any rectory that he may hold in the island.

From this period the ecclesiastical history of the island presents no events sufficiently important to merit record, till 1818, in the summer of which year Dr. Fisher, bishop of Salisbury, visited the Channel Islands, in the *Tiber*, a 46-gun frigate, being the first protestant bishop who had ever landed in them. He acted for the Bishop of Winchester, who, from age and infirmities, was incapacitated from crossing the channel; and during his stay in Guernsey he confirmed a vast number of the natives, old as well as young, and consecrated the new churches of St. James and Torteval. Dr. Sumner, the bishop of Winchester, next visited this portion of his diocese in 1829.*

In 1828, Sir John Colborne, lieutenant-governor of

* Charles the Second granted to Dean Saumarez (the first appointed to that office after the restoration,) an official seal, on which is represented the town church, with his majesty robed and crowned, seated near it, holding the sceptre in his right hand and the orb in his left, and bearing this inscription: “Sigill. Decanatus Insule de Guarnzey. Restauratus Restauro, 1662.” On the battlements of the church is a shield with the Guernsey arms. This seal was withdrawn on the decease of the late Dean Durand, in 1692, when the lieutenant-governor nominated the Rev. N. Carey, rector of St. Peter-Port, dean, and the Bishop of Winchester appointed the Rev. T. Brock, rector of St. Peter-in-the-Wood, as his surrogate, the offices of dean and surrogate having previously, with two or three exceptions, always been united. This ancient seal was in consequence necessarily substituted by another bearing the words—“The seal of the commissary of the Bishop of Winchester.”

the island, was extremely anxious to abolish the small tithes and champarts, and increase the salaries of the rectors, as the amount of the corn tithes had materially diminished. His plan was to distribute the tithes over all cultivated lands, instead of demanding it on one kind of produce, liberating every parish from payment of champart, and removing a frequent cause of dispute between the rector and his flock, by commuting the small tithes, besides tending to promote the agricultural prosperity of the island. He wished to give every resident minister about £150 per annum, and the curate of Torteval £80 per annum. The lieutenant-governor requested Mr. Brock, the bailiff, to submit a plan to the states for carrying this measure into effect, and a *billet d'état* was published on this subject on the 26th of June, 1828. This state paper is a masterly production, and we shall put forward at length the arguments of the chief magistrate.

He commenced by observing that tithes had always been regarded in every country as one of the greatest discouragements to the clearing and improvement of land. United to champart, they were the scourge of the country and most hurtful to society, as arresting the progress of agriculture, the source of all wealth. In Guernsey, the tithe on corn is the eleventh sheaf, and champart the twelfth, so that the two abstract a sixth of the net produce, without at all contributing to the cost of culture. Taking that cost to equal one half of the crop, the tithes and champarts amounted to a real possession of one-third of all the land under corn cultivation. Such was their effect, that potatoes had almost wholly superseded corn.

After these preliminary remarks, the bailiff entered on the subject of the small tithes. He stated that the canon law formerly compelled the payment of tithe, not only on all the produce of the soil, but also on the profits of trade and the produce of industry.

Though this obligation was in most respects abolished, it was still binding on the fishermen of Guernsey. This remnant of the old extortion was justly denounced as cruel to that most laborious class of men, and most injurious to an island, whose fishermen formed a nursery for seamen and pilots.

The bailiff then exhibited the following statistical details :—The superficial measurement of Guernsey is 24 square miles ; each mile of 640 English acres, and each acre of 43,560 square feet. So that the whole contains 15,360 English acres, or 37,929 Guernsey vergées of 17,640 square feet.

From these	37,929 vergées.
Deduct one-third for rocks, sands, and places not susceptible of culture, houses, public buildings, roads, &c.	12,643 ..

There remain in culture, or susceptible of culture	25,286 vergées.
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The agricultural society somewhat exceed this estimate, and they raise the whole available surface of the soil to 26,000 vergées.

By an exact computation, and taking as a mean term the twenty-one years which commence in 1805 and terminate in 1824, both those years included, the great tithes and champarts due to the crown have, one year with the other, paid—

To the crown	£1,177 19 3
To the clergy	330 0 0
Amount of great tithes and champarts	1,507 19 3
Small tithes to the clergy	163 10 0
	£1,671 9 3

If all lands owed champart, and owed it to the king, the equal division of this amount, which may be taken at £1,672, spread over 26,000 vergées, might easily be effected ; but there are some lands which owe it to the king, others to the lords of fiefs, and others which are free from the assessment. Of those which owe it to the king, there are 2,727 vergées at the Forest, St. Martin, and Putron, which, for nearly one hundred years, have paid an equivalent of five sous and a-half

per vergée in lieu of champart. These distinctions prevent a general equalization of tithe and champart. We must first confine ourselves to tithes only, and rate them thus:—

26,000 vergées, at one shilling per vergée.....	£1,300	0	0
2,727 vergées, at five sous and a half.....	53	11	5
The remainder, divided among other lands owing champart to the king	318	8	7
	£1,672	0	0

This excellent plan, just in principle, simple of execution, and conducive to the real interests of agriculture, was rejected by a majority of the states.

When the sinecure office of governor was abolished in 1835, another effort was made to augment the value of the livings from the tithes previously paid to the governor, and it was successful. On the 19th of August, 1836, the privy council, on a representation from the lieutenant-governor, reported to his majesty that compensation for the tithe on fish ought to be made at the rate of £10 per annum to each of the rectors of St. Peter-Port, St. Sampson, St. Mary de Castro, St. Saviour, St. Peter-in-the-Wood, Torteval, the Forest, and St. Martin; and at the rate of £20 per annum to the rector of the Vale. And, on a representation made by the clergy, it was also ordered that a further appropriation to the extent of £550 per annum, out of the remaining portion of his majesty's tithe, should be divided into eleven equal shares, according to the scale hereto set forth, exhibiting the former incomes and the proposed augmentations thereto. The following scale is exclusive of the glebe houses, but inclusive of the glebes:—

	Former Income.	Augmentation. Shares.	In lieu of tithes on fish.	Present Income.
St. Peter-Port.....	£370.	2	£10.	£480
Vale.....	65.	1	20	135
St. Sampson.....	65.	1	10	125
St. Mary de Castro.....	106.	1	10	166
St. Saviour.....	90.	1	10	150
St. Peter-in-the-Wood.....	90.	1	10	150
Torteval.....	42.	1	10	102
Forest.....	41.	1	10	101
St. Martin.....	100.	1	10	160
St. Andrew.....	102.	1	nil	132

The privy council also deemed it adviseable that the united parishes of St. Sampson and the Vale, and of the Forest and Torteval, should be separated at their next avoidance respectively; and that, in the mean time, curates should be appointed, who are to reside and perform duty in the two parishes where the rectors do not reside.

Lecanu, whose History of the Bishops of Coutances we have already cited, makes the following remarks on the ecclesiastical history of the Channel Islands:—

"Several dioceses claim the primitive jurisdiction over the Channel Islands; first, that of Dol, in Brittany, on the ground that their inhabitants were converted by St. Maglorius, bishop of Dol. Some English historians adopt this opinion, and add that they were re-united to the bishopric of Coutances, by William the Conqueror. But we do not think that it could have been thus; first, because our St. Marcou had converted part of the inhabitants, and founded a religious house in Jersey before the arrival of St. Maglorius; next, because St. Maglorius was merely abbot of Dol, but not bishop, that town not being raised to the rank of a bishopric till long after his time; thirdly, because neither William the Conqueror, nor any other prince, ever had the right of withdrawing any territory from its lawful bishop to bestow it on another.

"Father Thomas Leroi thinks, in his turn, that the islands once belonged to the diocese of Avranches, and he founds his opinion on the fact of the bishopric of that town having possessed great revenues in them. But this reason is in no respect plausible.

"We incline to believe that they at all times formed part of the diocese of Coutances, and that to this hour they still form a part, having never been severed except by heresy. The catholic bishop of the district of London, under whose jurisdiction they have been placed, is rather an extraordinary administrator of the dioceses in his district, than a prelate having ordinary jurisdiction.

"This leads us to examine another question; several authors speak of a bull of Alexander the Sixth, which detached them from the diocese of Coutances, to unite them to that of Winchester. That bull, which ought to be found in the registries of Langton, bishop of Winchester, has been transcribed by M. Lefranc, in his memoirs, and by Philip Falle, in his History of Jersey. But, besides its authenticity having been questioned by many writers, those who report it, or speak of it, do not agree as to its date or chronology; some fixing it in 1470; others in 1490; others, again, in 1499. Moreover, it is not inserted in the collection of bulls; finally, it never was known at Coutances, never executed at Jersey or Winchester.*

"In fact, confining ourselves to some of the administrative acts which prove the exercise of the jurisdiction of the bishops of Coutances posteriorly to the year 1499, we shall only cite the following:—On the 25th of August, 1531, William Quetil, vicar-general, and administrator of the diocese under the episcopacy of Philip De Cossé, named, as vicegerant of the deanery of Jersey, John L'Arbaletier, curate of St. Peter, and of the Holy Trinity, in that island. In 1532, the same vicar-general conferred the cure of St. Clement on Thomas Theil, named by the officers of the king of England. In 1538, Philip De Cossé bestowed on Peter Pinchon, bishop of Porphyry, the right of there conferring orders. William Pless, in his History of Jersey, says that the last catholic dean, whom he names N.

* M. Buhot, professor at the seminary, has had the goodness to assure himself that this bull is not on the registry. There exists a copy of this collection in the public library at Coutances. The *bullaire* is the collection of all the bulls published down to Benedict the Fourteenth, and collected by order of the Sovereign Pontiff.

Poulet, was dispossessed in 1566; he adds that, during fifty-five years, the island was without a dean, and without any form of worship; but at that epoch it was withdrawn from the jurisdiction of the bishop of Coutances, and subjected to that of the Bishop of Winchester. It was so in fact, but by an ordinance under the reign of James the First; and that Bishop of Winchester is the anglican bishop, which in no respect prejudices the rights of the catholic bishop. There is more; this annexation by ordinance proves the fiction of the bull, for there would have been no need of an ordinance, if the annexation had existed for more than a century, the anglican dioceses having remained the same as the catholic. It is therefore probable that this bull was not fabricated till after the ordinance, and to give it the semblance of legitimacy."

The parochial churches are commodious edifices, and Doctor Sumner, the present bishop of Winchester, has repeatedly said, that no churches, in any part of his diocese in England, are maintained in such good repair. The interior of that of St. Peter-Port presents a very cathedral-like appearance, and is well worthy the visit of strangers.

The ecclesiastical history of Guernsey would be incomplete, if limited to the Church of England. Dicey, who wrote in 1750, says: "Dissenters they have none." The state of religion, since that period, has undergone a wonderful change, for, at the present time, nearly half the population may be said to be dissenters. The first who established themselves were the quakers or friends. This society was formed at Guernsey, in 1782, by Claude Gray, from Barking, in Essex. He was educated in the roman catholic faith, the principles of which he abandoned at Jersey, and embraced those of the friends. He was imprisoned, and then banished from Jersey, in 1741, for maintaining his religious scruples. He returned to that island, when he was imprisoned and banished a second time; but the sentence was reversed by his majesty in council, with permission to return and reside in Jersey. He settled in London in 1745, and then went about travelling as a minister; and, visiting Guernsey in 1782, he established the quakers' society. The friends have a small chapel at Clifton, in the town of St. Peter-Port, capable of containing 180 persons. They have also a cemetery of their own at Les Vardes, and are the only body of dissenters that possess one.

The Methodists made their appearance in the Channel Islands in 1783, commencing their labours in Jersey. The following circumstance led to their visit. A few soldiers, who had heard the gospel preached at Winchester and Southampton by methodist lay preachers, being stationed at Jersey, asked some serious persons, whom they perceived were also desirous to establish English preaching, if they were willing (being Calvinistic Baptists) to receive a preacher from Mr. Wesley's connexion, if one could be obtained. The latter consenting, the soldiers wrote to Mr. Egan, a lay preacher in England, requesting him to submit their case to Mr. Wesley. When John Wesley received the letter, he was on an excursion, in company with a gentleman of fortune, liberality, and piety, named Brackenbury, who had joined the society some years before, and preached in that connexion. Mr. Brackenbury, being acquainted with the French language, viewed the request of the soldiers as a providential opening for preaching the gospel in the Channel Islands, and instantly offered his services, which were accepted. Accompanied by a young man of piety and talent, named Alexander Kilham, whom he had chosen as his travelling companion and assistant in the ministry, and who afterwards became one of the founders of the Methodist New Connexion, Mr. Brackenbury arrived at Guernsey in December, 1783. Here they were welcomed by a number of pious soldiers, probably of the same regiment as those quartered in Jersey, to whom they preached in the barracks. After remaining here a few days, they proceeded onwards to Jersey. "We soon found," observes Alexander Kilham, in his journal, "some of the soldiers who were pious, who rejoiced to see us, and received us with gladness. They conducted us to the house of one of the very few that feared God in this place." Not having a convenient room for their meetings, and most of the people not understanding

the English language, they experienced considerable difficulty in the prosecution of their mission. They could preach only at St. Helier's, and at the barracks and fort among the soldiers ; but to the latter places they were soon denied access by an order from the governor. They then exercised their ministry, first in an old religious house near the sea, and afterwards in a large hired room. The demon of persecution, however, soon raged most fiercely, and the lives of the two preachers were at times exposed to imminent peril. They were assailed with showers of stones and other missiles, and on one occasion, when Mr. Brackenbury was preaching, fire and gunpowder were thrown into the meeting room, the windows of which were smashed to pieces. To the credit, however, of the dean and other influential individuals, who interceded in their behalf, the madness of the people was restrained, and liberty of conscience was for a time encouraged and protected.

About two years afterwards, or in 1785, Mr. Brackenbury paid a visit to Guernsey, when he preached in several private houses,—but principally at Mon Plaisir and the Terres,—as well as out of doors, to numerous and attentive hearers. Soon afterwards, the Rev. Dr. Coke, another methodist minister, visited Jersey, and on the favourable report that Mr. Brackenbury gave of his sojourn in Guernsey, he also came to this island, and laid the foundation of the methodist society, by joining twelve persons in church membership. Dr. Coke was followed by Mr. De Quetteville, a lay preacher from Jersey, and in 1786, the late Dr. Adam Clarke was appointed by John Wesley to preach in these islands. At first, his preaching was well received, both in town and country, the people attending in crowds, and listening with devotion ; but when the good work had assumed something like a tangible form, a violent storm of persecution arose. The places in which the new

sectarians worshipped, were frequently surrounded by numerous mobs, who threatened to pull them down, and they could not retire to their homes without being pelted with stones and other missiles. To Dr. Clarke the most violent personal indignities were frequently offered, which more than once endangered his life. His biographer says—

"One Sabbath day he went to preach at the Vale, a part of Guernsey which, at high water, was surrounded by the sea, and attainable only by a sort of causeway. He was accompanied by three gentlemen, two of whom were naval officers,—the whole party being mounted. They found the avenue to the causeway in the possession of an unruly multitude, with drums and horns, and other weapons more strictly offensive. Avoiding the usual road, they forded the water at some distance from the causeway; and Mr. Clarke had nearly finished his discourse before the mob arrived to molest him. As soon as they appeared, his gallant companions forsook him and fled; and his bridle was immediately cut to prevent him from galloping after them. He then dismounted, and, gaining an eminence, proceeded to address them. The drums and the horns ceased; and, with the exception of a few stone-throwers in the outskirts, who, however, were not permitted to hit their mark, the multitude gave him a respectful hearing; and, after detaining him about an hour, dismissed him without further molestation.

"In Jersey, he suffered a more serious attack. Several hundreds of persons, well armed and desperate, surrounded the house in which he was preaching. It was a wooden building. Their aspect was so menacing that all the congregation, excepting the members of the society, who amounted to thirteen persons, fled from the house. The mob now declared their resolution to pull down the house, and bury the inmates in the ruins. Mr. Clarke continued his address; and, while he was exhorting his little audience to trust in the delivering power of God, a pistol was presented at him through the window, and twice missed fire. Perceiving that some iron-crows were sapping the foundations of the house, Mr. Clarke resolved that he would surrender himself to the mob, in order to save his hearers from their fury. They entreated him to remain, but, followed by a stout young man, who volunteered to accompany him, he sallied forth. As he left the door-way, he encountered a tremendous volley of stones and dirt; but, without shrinking, he steadily walked onward, and the mob, either ignorant of his person, or paralyzed by his courage, or actually restrained by Divine power, became suddenly silent and inert, making a way for him through their midst, without attempting to do him the least harm."—*Life of Dr. Adam Clarke*, pp. 68, 69.

On another occasion, at St. Aubin's, Jersey, a magistrate, heading the rabble, dragged him from his pulpit. The drummer of the St. Aubin's militia was summoned, who actually beat his drum through the streets, to the tune of "The Rogue's March," while the preacher was conducted by the populace to the extremity of the town, where they dismissed him with a ferocious menace that worse treatment awaited him if he ever ventured to return. He, however, told them that he would, and, at the appointed time, he

did so, and began the service. The mob, finding that he possessed an undaunted courage and fearless resolution, surrounded him, rather to admire his manly fortitude, than to execute their threats; and, permitting him to proceed in peace, they became the proselytes of the man whom they had confederated to destroy.

In 1787, Mr. Wesley himself visited Guernsey, and, as he states in his journal, dined with the governor, and preached at the assembly-rooms, in the Market-place.

Persecution by overt acts on the part of the mobs had scarcely commenced subsiding, when the methodists had to undergo a trial of a different character. It was customary at that time for the inhabitants—all of whom, between the ages of sixteen and sixty, were enrolled in the militia—to be taught military duty on the Sunday. Several of the methodists deeming this practice a violation of the fourth commandment, refused to conform to it, and were, in consequence, repeatedly fined and imprisoned. One of them, who is still living, was, for his refusal to learn the art of war on the Sunday, incarcerated during four months at Castle Cornet, in a miserable cell which was part of the time exposed to the wind, there being no glass frame to the window, and where some of his companions in captivity were common felons. In Jersey, besides fines and imprisonment, they would, but for the interference of a third party, have been also subjected to banishment from their homes and fatherland, for the states of that island, on the 18th October, 1798, passed an act, authorising the royal court to banish from the island any who should refuse to perform militia duty according to the laws. The ministers of the methodist societies in London, however, memorialised government on the subject, setting forth, “that the persons belonging to their societies were willing to do, with cheerfulness, every *necessary* military duty, not only on common week days, but also on the Sabbath day; and in case of an invasion,

were willing to be placed in front of the battle, on any day or hour, and were also willing to devote any time the commander-in-chief might judge proper on the common week days, to learn the military exercise, and to pay all the expenses which might be incurred on that account ; but that they could not, consistently with their views and sentiments, consent to learn the military exercise, or go through the military evolutions on the Sabbath day." The memorial had its desired effect, and by an order in council, dated the 12th of December, 1798, the act passed by the Jersey states was "declared to be void and of no effect." Some years before this time, the rule had been relaxed in Guernsey, and the methodists were allowed to be taught militia exercise at their own expense, on week days. In November, 1805, an attempt was made by the Rev. Edward Gibert, rector of the parish of St. Andrew, to have militia exercises on the Sunday altogether abolished ; and with this view he forwarded a memorial to the Duke of York, commander-in-chief of the army. The question was referred to Sir John Doyle, lieutenant-governor of the island, who expressed his readiness to concur in the prayer of the memorial, provided it met with the approbation of the local authorities. On his appealing to them, it was however found that the reverend gentleman was not only without a solitary supporter in the military, civil, or ecclesiastical departments, but that his views were opposed by the colonels of the militia regiments, by the royal court, and even by the dean, as head of the clergy. The commander-in-chief—who, indeed, strictly speaking, had no jurisdiction in the matter—did not think it proper to interfere. Nothing daunted, either by this failure, or by his total want of support, Mr. Gibert, in July, 1806, availed himself of a slight personal acquaintance with Lord Grenville, then secretary of state for the home department, to present his lordship another petition on the subject, in which

he prayed, either that the drilling of the militia on Sundays might be discontinued, or, at least, that the same liberty of conscience might be allowed to scrupulous members of the Established Church as had for some time been granted to the methodists. Sir John Doyle, on the matter being again referred to him, replied by merely re-transmitting the opinions given eight months before by the military, civil, and ecclesiastical authorities, and the result was again unsuccessful.

The first methodist chapel was erected in Le Marchant-street, opposite the court-house, in 1788. From that time, for a quarter of a century, no other place of worship was built; but, during the last twenty-eight years, so rapid has been the progress of this sect, that no fewer than thirteen chapels have been erected; one at St. Peter's-in-the-Wood, in 1813; one at the Forest, in 1814; Ebenezer, in New Town, 1815; one at St. Sampson's, in 1817; one at St. Mary de Castro, in 1818; one at St. Martin's, in 1819; two at St. Andrew's and St. Saviour's, in 1820; one at the Vale, in 1822; one at Torteval, in 1834; Wesley chapel, at the Bouët, in 1835; the Village chapel, near Fort George, in 1836,—and another near St. Sampson's harbour, in 1837; so that the Wesleyans have one chapel in seven of the country parishes, two in the remaining two country parishes, and three in the town.

The rapid progress of the Wesleyans, particularly during the last twenty years, will be seen by the following returns of their numbers, as reported in the general conference minutes:—

	French.	English.	Total.
In 1800			397
In 1805			490
In 1810	400	177	577
In 1815	450	202	652
In 1820	590	240	830
In 1825	740	310	1050
In 1830	788	266	1054
In 1835	1060	440	1500
In 1840	1063	400	1463

It is computed that the members belonging to this sect form about *one-third* of the population attending service in their chapels ; so that, calculating the united members of the different congregations, we have a total of four thousand three hundred persons connected with this body in the island. It is one of the peculiarities of all the methodist bodies, that the majority of their ministers are laymen. Thus, although the wesleyans have thirteen chapels in town and country, in which service is performed twice on the Sabbath, and once on week evenings, there are but four stipendiary ministers appointed by the conference, all the other services being performed by laymen, who labour without fee or reward.

In 1836, a schism arose in this body, owing to recent regulations passed by the British conference, vesting the power of expulsion in the hands of the conference ministers, and denying to the local quarterly meetings the right to memorialize conference on connexional affairs. The result was the secession of upwards of one hundred members from the English branch of the society, and the union of most of them with the Methodist New Connexion, established in England shortly after Mr. Wesley's death. Their principal place of worship is Zion chapel, Clifton.

The third sect we have to notice, is the Independent. It is not precisely known when they first established themselves in the island, but that they did so before 1796, is evident from the fact that they built Bethel chapel. Not being, however, sufficiently numerous to support it, they sold it to the Established Church, and held their meetings in a large room at the Tourgand. About 1810, the Rev. Joseph Gray came over to the island, and, after he had preached some time in that room, and also in the open air, the chapel in New-street, New Town, was erected, in which he officiated for several years in the English language, and the Rev. Clement Perrot, in the French

language. In 1813, another chapel, capable of containing about three hundred and fifty persons, was built by the society at the Villette, St. Martin's parish; and, in 1815, a third chapel, affording accommodation to about three hundred persons, was erected in St. Andrew's parish. In these places of worship, service is performed in the French language. When the English independents discontinued meeting at New-street chapel, they met for several years in a large room in Berthelot-street, and in 1823, they built a chapel at Clifton. A second English independent congregation was formed in 1830, for whose use Eldad chapel, in New Town, capable of containing about eight hundred persons, was erected in 1831. The French independents have also a chapel at St. Saviour's, which was opened in 1817, affording accommodation to about two hundred persons.

The French particular Baptists have three chapels, one at La Fosse, in St. Martin's parish, another at St. Saviour's, and a third at the Côtel. The English baptists who, only in 1839, engaged a regularly ordained minister, have recently built a chapel at Wesley-road.

The Bryanites (or Bible Christians) have a chapel at Vauvert, capable of containing about three hundred and eighty persons, and a smaller one in the parish of St. Peter-in-the-Wood; and the Primitive Methodists, who formerly held services in a large room in Pollet-street, have recently built a chapel in Truchot-street. Both these sects belong to offshoots of the wesleyan body.

The Unitarians meet in a large room in Allez-street. Their numbers are very scanty, the congregation seldom exceeding fifty.

The Roman Catholics owe their establishment here, as a body, to the decree passed against the French clergy, in 1793, by the national convention, when the Abbé Coulon, chaplain to Marie Antoinette, the un-

happy queen of the unfortunate Louis the Sixteenth, with several other priests, found an asylum in Guernsey, and opened a place of worship at the Bordage. They afterwards occupied a large room near Tower-hill, and a very neat chapel was erected by them in Burnt-lane, in 1828. The services are performed both in English and French. The French congregation consists principally of the French retail provision dealers and seamen frequenting the port; the other congregation is mainly composed of English and Irish families, and such soldiers in garrison as belong to that denomination of christians.

Although the introduction of so many sects has contributed to lessen the numbers and influence of the church as to temporal matters, yet it cannot be doubted but that, by a sort of reflex operation, it has had a most beneficial effect on the energy and piety of its ministers, whom it has roused from a state of lethargy, to one of jealous concern for the welfare of the establishment, as well as for the diffusion of religious knowledge. Hence the extra services now performed by most of the parochial clergy. Until the last few years, only one service was performed in each country parish church on the Sabbath,—and, in those of the Forest and Torteval, and of the Vale and St. Sampson, which are respectively under the care of only two ministers, but one service each alternate Sunday in winter; whereas now, service is performed in the town, and all the country churches, excepting the four just mentioned, twice every Sunday; in these four, once every Sunday; besides weekly lectures in almost all of them.

Inquiries have frequently been made as to the benevolent institutions and ecclesiastical provisions of the island, and as it may prove a matter of pleasing reflection to its inhabitants, and furnish useful information to the stranger, some pains have been taken to obtain, through the best channels, the most authentic

account of the subject. It will be seen, from the sub-joined summary, what is the amount of provision made for the accommodation of the population of the town of St. Peter for religious worship, and what are the relative proportions for its different denominations:—

EPISCOPALIANS.		<i>Sittings.</i>
Parochial church.....		1097
St. James's church, St. James's-street.....		1240
St. John's church, Amballes.....		600
Trinity chapel, Country Mansell.....		636
Bethel chapel, Manor-street.....		304
St. Peter-Port Sunday school.....		725
WESLEYAN METHODISTS.		
Ebenezer chapel, Saumarez-street.....		1074
Le Marchant-street chapel (French).....		503
Wesley chapel (French and English), Bouët.....		250
INDEPENDENTS.		
Eldad chapel, Union-street.....		768
New-street chapel (French).....		710
Clifton chapel.....		248
METHODIST NEW CONNEXION.		
Zion chapel, Clifton.....		554
Hospital-lane preaching-room (French and English).....		194
BRYANITES (OR BIBLE CHRISTIANS).		
Salem chapel, Vauvert-road.....		380
PRIMITIVE METHODISTS.		
Truchot-street chapel.....		410
FRIENDS.		
Clifton meeting-house.....		180
ROMAN CATHOLICS.		
Burnt-lane chapel.....		220
BAPTISTS.		
Wesley-road chapel.....		200
UNITARIANS.		
Allez-street preaching-room.....		100
BETHEL UNION.		
Preaching-room on the Quay.....		200
		<u>10,593</u>

Thus, there is no lack of places of worship in St. Peter-Port ; there being three churches, fourteen chapels, and four meeting-rooms, affording, together, accommodation for 10,593 adult individuals, out of a population of 15,000. If this state of things is brought into comparison with that of the most privileged town in Great Britain, it will probably stand without a parallel in its advantages. It will, perhaps, appear the more striking, if these statistics are brought into juxtaposition with those of the cities of London and

Westminster, and the five adjacent boroughs. The whole population is 1,434,868, for which 717,434 sittings are required, supposing accommodation for one half of the population *at the same moment* to be adequate provision. The seats actually provided are but 536,620, thus leaving a deficiency of 180,814 short of one half of the entire population. In the town of St. Peter-Port there is a perfect contrast,—an error, if it may be so called, on the other side: the accommodation is greater than the necessity demands,—amounting to more than two-thirds of the whole population. The contrast will be still more striking if the country parishes be taken into account, for in these, almost incredible as it may appear, there is an aggregate accommodation for at least 8,500 persons out of a population of 11,000; and, in one or two of those parishes, the accommodation actually exceeds the population! It is a question, indeed, whether a spot can be found in Christendom more richly supplied, and supplied on the whole with better and more faithful ministerial instruction, than the island of Guernsey. The same remark will apply to its Sunday and other schools, of which there are, in the town only, no less than thirteen, with a total of 2,251 scholars, distributed as follows:—

SUNDAY AND OTHER SCHOOLS.

	Established.	Scholars.	Contributions.
CHURCH OF ENGLAND.—St. Peter-Port	1820.....	539.....	£225
St. John's district	1838.....	370.....	120
WESLEYAN.—Ebenezer chapel	1808.....	270.....	38
Le Marchant-street chapel (French)	1834.....	160.....	30
INDEPENDENT.—Eldad chapel	1831.....	96.....	10
New-street chapel (French)	1812.....	50.....	4
METHODIST NEW CONNEXION.—Zion chapel	1837.....	170.....	20
Hospital-lane (French)	1840.....	40.....	
BRYANITES (OR BIBLE CHRISTIANS.)—Salem chapel	1829.....	100.....	10
PRIMITIVE METHODIST.—Truchot-street chapel	1831.....	78.....	6
BAPTIST.—Wesley-road chapel	1840.....	30.....	
NATIONAL SCHOOL.*—Clifton-steps	1812.....	252.....	206
INFANT SCHOOL.—Berthelot-street	1829.....	96.....	90
		2,251	£759

* The national school was established in 1812, and was then called "The school for the education of the infant poor in the island." In 1822, it took the name of national school.

Indeed, the whole of the religious and benevolent institutions of Guernsey correspond to its ecclesiastical provisions,—displaying, perhaps, as great a superiority in its feelings and efforts, as it has already been shown to possess in its means. The following list of its institutions, with the amounts raised annually in their support, as stated in the reports of 1839 or 1840, will fully bear out this statement :—

MISSIONARY SOCIETIES.		Established.	Contributions.
Church missionary society	.....	1817	£439
Society for the propagation of the gospel in foreign parts	.....	1839	80
Wesleyan missionary society	.....	1818	500
London do. (independents)	.....	1838	109
Methodist New Connexion do	.....	1837	78
Moravian do.	.....	1837	42
Primitive Methodist do.	.....	1831	35
Bible Christian do.	.....	1823	30
Baptist do.	.....	1840	20
			£1,333
BIBLE SOCIETIES.			
British and foreign bible society*	.....	1812	£420
Guernsey auxiliary to the Trinitarian bible society	.....	1836	48
Ladies' association to do.	.....	1831	85
			£553
MISCELLANEOUS.			
Provident society	.....	1834	£220
Society for the promotion of christianity among the Jews	.....	1820	180
Church pastoral aid society	.....	1838	60
Church of England tract society	.....	1812	780
Irish society.	.....	1835	53
Société évangélique.	.....	1837	140
Irish scripture readers	.....	1828	25
Christian knowledge society	.....	1812	40
Bethel union	.....	1824	35
Ami des pauvres	.....	1811	25
Humane society	.....	1815	45
Benevolent or strangers' friend society.	.....	1813	50
Charitable association	.....	1819	60
			£1,013

Making a total benevolent income, for Sunday schools, of £759; for missionary purposes, of £1,333; for bible societies, including sales, of £553; for sundry other religious and philanthropic institutions, of £1,013; and for all these combined objects of religion and humanity, no less a sum than £3,658. To this

* This society has issued 24,000 copies. In the year 1839 it distributed 1,300 copies.

† Including sales of publications.

must be added what is raised by occasional collections and contributions for other smaller societies publishing no report,—and for societies in England and Ireland having no committee or stated representative in Guernsey, probably amounting to not less than £400,—making a grand total of £4,058. When it is remembered that such efforts are made *annually*, out of a population of about 26,000 souls*—and many of these temporary resident strangers who do not contribute—it cannot be said that Guernsey is backward in the race of moral and religious improvement.

We conclude this chapter by annexing the names of the deans of Guernsey since the restoration :—

- 1663-4.... John De Sausmarez.
- 1698..... Nicholas Le Mesurier.†
- 1717..... John Bonamy.
- 1738..... John Le Mesurier.
- 1759..... John Hemming.
- 1765..... Elias Crespin.‡
- 1795..... D. F. Durand.
- 1832..... Nicholas Carey.

And also of the clergy of the Established Church in 1840 :—

- The Right Rev. Charles-Richard Sumner, lord bishop of Winchester, diocesan.
- The Very Rev. Nicholas Carey, dean of Guernsey, and rector of the parish of St. Peter-Port.
- Rev. Thomas Brock, rector of St. Peter-in-the-Wood, and commissary to the bishop of Winchester.
- Rev. William-John Chepmell, rector of St. Sampson, and vicar of the Vale.
- Rev. Nicholas Bernel, rector of St. Saviour.
- Rev. Richard Potenger, rector of St. Martin.
- Rev. Havilland Durand, rector of St. Mary de Castro.
- Rev. Daniel Dobrée, rector of the Forest and Torteval.
- Rev. William Guille, rector of St. Andrew.
- Rev. John Hawtrej, minister of St. James's church.
- Rev. Edward-George Carr, minister of St. John's church.
- Rev. Frederick Jeremie, minister of Trinity chapel.
- Rev. Arthur-Thomas Corfe, minister of Bethel chapel.
- Rev. C. C. Mulloy, minister of the St. Peter-Port Sunday school-room.
- Rev. John S. Lys, minister of the island of Alderney.
- Rev. J. L. V. Cachemaille, minister of the island of Sark.
- Rev. Edward Guille, curate of St. Peter-Port.
- Rev. Peter Carey, curate of St. Saviour.
- Rev. Henry Benwell, chaplain of the jail, and minister of the island of Herm.

* By the last census, in 1831, the population of St. Peter-Port was 13,893, and of the nine country parishes 10,456,—together 24,349 souls; but it has since increased.

† Nicholas Le Mesurier was named by patent under the great seal. All the others were presented by the governors or lieutenant-governors of the island.

‡ No presentation mentioned in his commission.

CHAPTER V.

ANTIQUITIES.

THE greatest objects of curiosity and interest which these islands possess, are undoubtedly those remains of antiquity generally denominated druidical. Although the origin and design of many of these must still remain involved in doubt and obscurity, yet their frequent occurrence, in countries remote from each other, makes the study of them peculiarly attractive.

These antique monuments are now found dispersed over every region ; but by what coincidence they possess a unity of character and purpose, if erected by different nations, widely distant, constitutes a theme almost to exhaust the ingenuity of the speculative, and the erudition of the learned. The usual extracts from the commentaries of Cæsar, and a few short accounts from other authors, have tended much to confine their uses and designs to one portion of Europe and to one people : but the dispersion of these monuments over the four quarters of the globe enlarges the field of observation, and it is to be hoped that present researches may contribute to raise the veil of mystery which has so long shrouded them in doubt and conjecture. The misapplication of terms, and the indiscriminate use of the words *temple* and *altar*, in reference to many of these remains, convey an impression probably not warranted by the object for which they were intended.

In the Channel Islands, the cromlech, the kist-vaen, and the simple menhir, are the most conspicuous forms.* The last may have been more numerous than at present, as appears from the names of places and grounds, which refer to single pillars of stone, but their removal was more easily effected. This upraised stone or pillar, in a general sense, was a record of some great or interesting event—a victory, or the death of some distinguished person: it has been considered also as an object of idolatrous worship. These islands, considered as a portion of Celtic Gaul, were first peopled from that part of the continent in which we find the same massive structures of stone dispersed in many places, particularly in Brittany, denoting at once the same people, and an identity of manners and customs.

The islands, never having been dis severed from each other or the main land, as is supposed, were probably considered as safe or sacred retreats by a rude and savage race; but if we examine the changes which have taken place on our coast, we may regard them as having been connected with the continent by a closer geographical boundary. Thus skirting the coast of ancient Gaul, they partook of that mysterious and hallowed light in which islands were esteemed by other nations: their isolated situation within sight of the continent became an additional cause of delusion and superstition. The difficulties which always accompany the progress of civilization and truth were not less in these islands than in other lands, and we have doubtless shared in that blind opposition to changes of every kind which characterized insular as well as mountainous districts. As the dawn of Christianity slowly moved over the continent, we cannot date the

* There are at least fifteen of these monuments still remaining in Guernsey alone, and about as many more in the islands of this bailiwick; but in Jersey they are now met with in two or three places only, although Mr. Polingdestre, formerly lieutenant-bailiff of that island, states that he found about fifty collections of stones, which he considered of Celtic origin, and he reckoned those which were then visible. The Rev. Mr. Falle, who wrote in 1734, gives an account of many which were observable in his day; but these have met the fate of their companions.

planting of the truth in these islands before the sixth century, and the building of religious houses until the arrival of St. Maglorius, as already stated in the preceding chapter.

In the absence of more certain data, our immediate ancestors ascribed the erection of Celtic remains to supernatural agency, as every thing which excited their wonder or admiration became the work of the fairies or spirits of another world, who, in their frantic revels, were believed to haunt the sacred abodes of the dead, and many a fearful tale recorded the mystic freaks of this pigmy race. Thus, the "Creux des Fées," "La Chambre des Fées," "La Fontaine des Fées," and "Poquelaye,"* are terms of similar import, and still attest the ignorant superstition of our forefathers, which, however, is the less to be regretted, as it has, on many occasions, been the cause of preventing the wanton destruction of these ancient monuments.

There is abundant reason to consider the cromlechs of the Channel Islands as catacombs of the Celtic tribes by which they were inhabited.

The cromlech affords another peculiarity which deserves to be noticed: additions to the original dimensions are not unfrequent. At the Poquelaye, in Jersey, a small square chamber has been formed within the cromlech itself. At "l'Autel de Déhus," or "Du Thus," as it is pronounced, in the parish of the Vale, there was found a square room covered by a large flat stone to the north of the main structure; this tomb adjoined to it, and contained substances of the same nature and character. At the cromlech of l'Ancrese, an anti-chamber is seen at the east end of the building, which also appears to have been subsequently added to it: all these are within the circle of uprights, which surrounds the whole. Several other circles and cromlechs have likewise portions

* In Celtic, "Pwca" means fairy, and "Lles" signifies a place.

which indicate a peculiar design and purpose. At the cromlech called "Le Creux des Fées," in the parish of St. Saviour, there is an *allée* or passage leading into the interior, formed of two rows of upright stones; but whether this was ever covered by horizontal stones or not, is doubtful. A spacious chamber, formed of massive vertical props, pressed down by ponderous cap-stones or ledgers, the whole surrounded by an outer circle of stones, constituted the sacred and hallowed repository of mortality. Between the props are seen, in many of them, smaller stones wedged in, to keep out the external earth, or intruders of every kind; and if any light were admitted, it must have passed between the interstices of the cap-stones: it may not, however, be improbable that the whole was covered by turf or earth. From the recent examinations which have been made in these islands, it is evident that the space within was not originally filled up with earth. The flooring was of irregular flat stones and round smooth pebbles, on which were deposited the bones, urns, and other vessels, and such offerings as the zeal or affection of the friends of the deceased was disposed to leave with them. The vast quantity of limpet shells which have been strewed in these resting places of the dead, may have been deposited there at the time of interment, or most probably at certain seasons afterwards, by the piety of their relatives. Like the affectionate Mary, the living visited the sacred abode of those they loved, and, in dropping the tear of grief, left a portion of their scanty fare!

In one instance of our examinations, the limpet shells which were deposited on the bones were about twenty inches in thickness. Burnt bones and ashes lay without any particular distinction of place in various parts, intermixed with pottery and remains of urns, which had partaken of the colour of the mass. Some vases appeared sooty in the interior only,

whilst others had been submitted to considerable heat. The distinctive character of the bones, whether burnt or unburnt, induces the belief that they were brought to the cromlech to be there deposited, after having been first deprived of the flesh by fire or other means. Bone instruments and clay beads, perforated stones or amulets, were laid by the side of the bodies, as other articles are placed by the natives of many countries at this day. Whatever was valued or might have been prized during the life-time of the individual was deposited with the body. Implements of stone and flint arrow heads,* as well as celts† or stone hatchets, have been found with the remains. In the kist-vaens and smaller cromlechs, the same substances have been discovered.‡

The chief cromlech of l'Ancrese stands upon a hill on the north side, which overlooks that part called the common. This common, round which is

* Implements and weapons of stone were in use prior to those of metal. The beautiful symmetry of form and shape shown in many of these, proves that the remote people who formed them were not devoid of ideas of correctness and even elegance. The flint arrow head, or elf-shot of some countries, does not seem to have attracted the notice of the islanders. Dr. MacCulloch thus expresses himself, when speaking of this weapon:—"The difficulty of shaping this weapon into the accurate and beautiful form which it commonly possesses, must have been excessive, and gives a proof of the same patience which is now exerted on similar manufactures by the uncultivated inhabitants of the South Sea Islands."—*Western Islands*, vol. ii., p. 233.

† By "Celt" is meant a wedge-shaped instrument, formed of various kinds of hard stone. It has a cutting edge, regularly sharpened on both sides, and it is rounded and pointed at the opposite end. About one hundred of these are yet preserved in this island, found in different localities, but chiefly in or near places once occupied by the Celtic tribes. The above are made of quartz, chert, flint, or agate, serpentine, greenstone, porphyry, jasper, granular-porphry, and granite. Those of indurated steatite and actinoliteschist often resemble the Indian jade hatchets. They vary in size from one inch to twelve or thirteen in length. As this instrument, which is found in every country, differs so little in shape, its general adoption bespeaks a similar design and origin. Antiquaries are not agreed as to the use made of them, or the manner of their being made serviceable. M. De Caumont has invented a singular and awkward handle for them. M. Mahé places them in a socket, perforates them in the centre, and fixes them with a peg driven through it. Again, the fastening them to the end of a stick, as the South Sea Indians use their adzes, will not keep them in their places in a firm manner. All these contrivances are contrary to their appearance and shape; and as none are found perforated in this island, and only a few are so in other places, the method of M. Mahé will not hold good. In all countries they are considered as having fallen to the earth during a thunder storm; hence they are called "thunder bolts" by the ignorant; here they are usually termed "coin de foudre," from their angular shape. That this instrument is of very ancient origin, is confirmed by the ignorance of their real use and application which prevails every where, even among the Indian tribes themselves, who equally consider them as belonging to former races, or as having fallen from the thunder cloud.

‡ The sepulchral urn was that in which it is said the bones, when burnt, were deposited. These are sometimes found in an upright, but much more frequently in a reversed position. The other vessels were of different sizes, and apparently designed for another purpose. The practice of depositing vessels containing articles of food with the body, still prevails among savage nations. Many of these were ornamented with zig-zag borders and dotted wavy lines; others had short handles, with a perforation in each, for the purpose of being suspended like a lamp. This might very well have served the use of the "Thuribulum," and contained the *thus* or frankincense burnt by many nations at funerals.

the present race course, consists of a sandy plain covered with furze. Nearly in the middle of it is another locality in which are celtic remains. A simple cap-stone now covers a part of a sepulchre or kist-vaen, which contained human ashes, pottery, celts, and an arrow head, when lately examined. An accompanying cap-stone has doubtless been removed from it, as also the portions of a smaller cromlech which stood near it on the east side. The pond, which is situate near these remains, is surrounded by an elevated circular mound, having two visible entrances from the north and west sides: the whole bears some resemblance to those spots which are considered as druidical places of convocation in other countries. On the eastern part of the plain, at the foot of the hill above mentioned, is another kist-vaen, surrounded by various blocks of stone appertaining to it, and forming another interesting relic of the same kind. The position of these stones is very singular and inexplicable by any comparison with those near them. The low situation of this kist-vaen corroborates the fact of the later incursions of the ocean on the coast of the Channel Islands, and of the changes which followed the approach of the sea after breaking up the ancient barriers. The appearance of this kist-vaen in such a situation, can only be accounted for on these grounds. About one hundred yards from it, on the north-east, is a portion of a circle, defined by the upright stones still standing; near this are several stone graves, which, with the last mentioned kist-vaen, were discovered in the year 1837. To the right is a cairn or hougue, called "La Rocque Balan." Probably here once stood a menhir or "Pilier de Pierre," where divine honours were paid to their god Belenus, by which they meant the Sun or Apollo. The similarity of the name has induced the opinion that a rocking or balancing stone once existed here. It was stated by the late Mr. Joshua Gosselin, that

he knew of a logan stone being in the neighbourhood of l'Ancrese; it has, however, shared the fate of other ancient monuments which have bowed beneath the rude hands of the peasantry. From this place to the northern extremities of the Vale, nothing is to be seen which can interest the antiquary. The rocky masses which line this coast, are not without interest to the artist. One locality bears the name of "La Fontaine des Fées," and at a short distance is the bay of La Fontenelle, where, below high water mark, are to be seen several blocks of stone upon supports or props resembling cromlechs: these may be very analogous to those which are said to be under the sea on the coast of the Morbihan, in Brittany.

Near "La Hougue Patris," there is a low rock of granite, among the furze on which is a depression resembling the print of a hoof in a soft soil. The peasantry regard it in a mysterious light, and call it from its likeness, "Le Pied du Boeuf." The similarity is so strikingly correct, that it is not strange it should have attracted their notice. It is said that on the rocks opposite, called "Les Brayes,"* another mark of the same kind is to be seen; this, of course, to the ignorant mind, has been the ground work of superstitious stories. The real cause of this appearance is to be found in the mode of decomposition which a darker portion of the rock has undergone.

Near the estate called Paradis, in the Vale parish, on the hougue in front of the house, portions of a "kist" are still preserved. The destruction of these remains is not of ancient date. It is related in the neighbourhood, that the former proprietor, having ordered his workmen to seek for building stones to erect a barn, they inadvertently, during his absence, broke up the cap-stones which covered the whole. The return of the proprietor happily prevented the

* "Rocques Brayes."—"Roc'h Braz," in Breton, means "Les Grosses Pierres," or "Large Rocks."

total disappearance of these ancient remains, from which several urns and other vessels, with some human bones, were dug up from beneath the turf in 1837. Within sight of this, at a short distance from the hougue just mentioned, is seen the cromlech, known by the name of "l'Autel du Déhus," or, as it is pronounced, "Du Thus," or "Tu Dus."* It has also the appellation of "l'Autel du Grand Sarazin," as that on the hougue, near Paradis, is called "Le Tombeau du Grand Sarazin."

The cromlech of "Tu Dus" is situate near the road side, on an elevation which has been formed by the hand of man, into a sort of tumulus, round the verge of which a circle of stones existed, several being yet in their original places. It consists of a deep trench, divided into several distinct compartments; the first, over which is placed the largest cap-stone, forms a chamber of about fifteen feet square. From this the trench contracts considerably, and is divided from the east end by a transverse set of stones, near which there is a narrow passage between the props leading into a square chamber on the north side: this is covered by a single flat stone, about seven feet square. The eastern extremity is closed by a large stone on the edge of the road which runs near it. The length of the trench is thirty-eight feet, and the number of cap-stones remaining is eight. That at the west end is a fine and well-proportioned block, nearly seventeen feet long, weighing from fifteen to twenty tons. Various urns, pottery, and other substances were discovered in 1837, when it was examined. There were many skulls and bones found, as in those already

* "Dus," says St. Augustin, signifies among the Gauls a species of genii or imp, chiefly seen by children and the female sex. They were of a black colour, as the word "Dus" indicates among the Bretons. Gregoire De Rostrenen states, "that the villagers assert that their hobgoblins danced upon their cromlechs." In Armorica, the name of "Dus" is not yet obsolete. The Léonnais still call a sort of fairy by the name of "Teus;" and Le Pelletier, in article "Teus," says that the Breton "Teus" is the same which St. Augustin had latinized into "Dusius." Be this as it may, Hesus or Teutates was a deity which signified Mars, the god of war or god of thunder. "Tens," in Brittany, is also the same with "Gobelin." This sprite or spectre is called by the Bretons "Bugul-nos," which signifies, "enfant de nuit." "Gobelin," or the familiar spirit, has been the phantom of the Normans from the earliest times.

mentioned ; but immediately upon the bones and urns an innumerable quantity of limpet shells were deposited, in some places twenty inches in thickness or more. The skulls found were chiefly lying to the north, but many were placed indifferently to any fixed point of the compass.

The next cromlech of importance which the Vale parish can boast of, is that called "La Roche qui sonne." This interesting spot had nearly lost all trace but that of an unintelligible name, until 1837, when, after a diligent search, one remaining cap-stone was dug out and exposed to view. The spot indicated a much more considerable space originally devoted to the same purpose. Tradition has for many generations handed down tales of wonder and superstition relating to it, and "La Roche qui sonne" will not fail to afford, for years to come, tales of ominous import, and of the ill-fated result of meddling with a site, sacred to the presiding genius of the Celtic cromlech ! The large wonder-working stone has, however, disappeared, and there remains only one demi-dolmen to mark the spot. This stone, which is about thirteen feet long, is supported upon a prop to the southward, and rests on the ground at the north end, having another vertical stone near it, whose corresponding parts have also disappeared. At a distance of about sixty feet to the eastward, four large props were examined, which are supposed to have been a portion of the outer circle: these are buried beneath the green sod. From the accounts gathered in the neighbourhood, there must have been eight or nine cap-stones, including the enormous "Roche qui sonne." Vessels of baked clay, several urns, and other relics were discovered beneath the only remaining cromlech, when it was examined in 1837. It is not improbable that some Celtic monuments existed on the site now occupied by the Château du Mont St. Michel, or Vale Castle ; but they were destroyed

when it was built. Between this and the last mentioned cromlech is the estate belonging to Mr. Thomas Falla, called "Les Roques Barrées:" the name indicates some of those extraordinary, but important structures, called elsewhere Trilithons or Lichavaens. They consist of two vertical stones, and one across the top, like a door-way. The use of these, which in some places are numerously disposed without any apparent connection, had doubtless some serious design.

There is also a large stone over the quarries belonging to Mr. Flère, to which some superstitious veneration is still attached; but whether its altar-like form may have suggested the idea, or some ancient tradition has preserved it from being destroyed, it is difficult to trace.

In pursuing this circuit of Celtic remains, no notice has been taken of a large cap-stone to the west of the Vale church.* The natural position of its appearance makes it doubtful if it ever was regarded as a sacred spot in ancient days.

In the parish of St. Sampson, on the hill called "La Grosse Hougue," is a small demi-dolmen: it stands on the brow of the hill, and may be seen from both sides of it. A small quantity of pottery was found under it; but it is stated that the late proprietor found human bones near it when breaking up the ground. Several celts or stone hatchets have been picked up on this hougue. At a short distance from the hill may be observed a stone pulpit, or as it is called "La Chaire du Prêtre." It appears on its natural bed, and to have been shaped with some design, the purpose of which is at best but conjectural. It may, however, have belonged to the chapel of St. Clair, which once stood on the estate of that name, situate at a short distance.

Near this spot are found "Les Terres du Dis," on

* The altar mentioned by Jacobs, in his *Annals of Guernsey*, as standing in the Vale church-yard, cannot be the same here under notice, as its size and position are too conspicuous to fall under his description.

which several Celtic remains have been found at various times. Three upright stones are yet to be seen, which probably belonged to some cromlech. The word "Dis" has been considered interesting to the antiquary, and it is here met in its proper place, when travelling over Celtic ground. The Gauls and Britons believed that they were descended from "Dis,"* and the Germans that they were from "Tuesco," or "Thus." It is, nevertheless, a highly interesting fact if this spot has retained its original appellation to the present day.

The neighbourhood of towns and cities has been well remarked to be unfavourable to the preservation of the earliest monuments of a country; thus the populous parish of St. Peter-Port contains nothing to arrest the notice of the traveller in his journey, the names of some places only excepted,† which seem to preserve the remembrance of their once possessing objects worthy of being left to future generations, in most of those instruments or implements of stone which have been found at various times, tending to confirm the truth of our remark. The ancient chapels dispersed about the country parishes were doubtless erected near Celtic monuments, and where the names only remain, traces have been found to prove their former existence.

On the promontory of Le Rée, in the parish of St. Saviour, another cromlech has been left without sharing the ravages caused by the hand of man. It stands near the road which leads to the small island of Lihou. At present it consists of two large cap-stones, which measure about twenty feet across. These cover a considerable chamber, and are supported by numerous props. The opening into it is

* On the word "Dis," Borlase states that "in Cesar's time the Gauls had quite lost sight of their original, all of them giving out that they were sprung from 'Dis,' i. e., from the earth," according to their meaning; but Cesar seems to mean Pluto, or the god of darkness. The inland inhabitants of Britain called themselves "E Terrâ Nati," from the same notion.

† "Les Courtils de la Longue Rocque," "Longue Pierre," "La Platte Hâche," (celt ?) "La Pierre Percée," "La Pouquelaye de Haut," "Pouquelaye de Bas," "La Grande Pouquelaye," &c.

by the east end, but from the interstices between the props being filled with stones and earth, the interior is dark and gloomy. This is the far famed "Creux des Fées." It is said that some other cromlechs were formerly to be seen near this spot. The name of "La Tuselle," which a part of this ground retains, would sufficiently confirm this statement. About half a mile from the "Creux des Fées," is seen a small, but interesting cromlech, consisting of three or four stones. It stands upon the hill of Catiaroc, and is called by the peasantry "Le Trepied." Burnt ashes and bones, with portions of urns and coarse pottery, have been found beneath it. Both these cromlechs belong to Mr. Bonamy Maingay. Lihou does not now possess any Celtic remains, but probably the erection of its chapel and priory, and its early occupancy by the first missionaries, may have caused their removal.

On the road from St. Peter's-in-the-Wood, towards this part of the coast, a fine pillar of stone or menhir is seen. It stands on the left hand side in a field appertaining to the estate of Les Paysans. Its imposing station has attracted the attention of the natives, who have held it in a sort of veneration, without knowing its original use and meaning. Whether it is an idolatrous pillar dedicated to the deity, or a monumental stone, remains to be proved: it is about ten feet above the surface, where it has stood perhaps more than two thousand years.

At the foot of the hill, near the remains of the chapel of St. Brioc, is shown a stone which bears the impression of two feet of an enormous size. Here, it is said, was the spot where a meeting took place between the two abbesses of Lihou and St. Brioc,* but by what means the granite was softened to receive the holy tread of these ladies, must be sought for among the mysteries of those days.

* Saint Breock, or Brioc, was patron of a church in Cornwall, as also of one in Guernsey. He was a native of Ireland, and became a bishop in Armorica, where the place of his residence is distinguished by his name.—*D. Gilbert's History of Cornwall*.

There is also at the Point of Le Crocq, near Richmond, a vertical stone, or *fichade*, which very probably is of ancient date. In this neighbourhood, some fragments of pottery and stone instruments have been picked up at various times, and a gold coin was found near Le Crocq, a few years since.

The similarity of the name with "*crac'h*," the Celtic term for "stony," may be its proper etymology, and probably be one of the few remaining words which have been left from that ancient source. The names of places, plants, rocks and islands, still bear those of former possessors of the Channel Islands. Some are undoubtedly of Norman origin, but our Brehon, Burhou, Brecco, Bec, and others, are from the Celtic root. In like manner the word, not unfrequently uttered by children when at play, "*terriben*," although gradually becoming obsolete, was the war cry of the Gauls.

In concluding this notice of the most ancient monuments of Guernsey, it may be necessary to add that the other islands of the bailiwick likewise possess remains of the Celtic tribes. Alderney, Sark, and Herm, have several of their cromlechs and circles not yet destroyed.*

* Michael Drayton, the poet, published, in 1613, his "*Poly-Albion*," or a description of England. It contains the following in the opening of the first canto:—

"The sprightly muse her wing displays,
And the French islands first surveys.

* * * * *

Thus scarcely said the muse, but hovering while she hung
Upon the Celtic wastes, the sea-nymphs loudly sung :—
O, ever happy isles, your heads so high that rear,
By nature strongly fence'd, which never need to fear;
On Neptune's wat'ry realms, when *Aolus* raiseth wars,
And every billow bounds, as though to quench the stars.
Fair *Jersey*, first of these, here scatter'd in the deep,
Peculiarly that boasts thy double-horned sheep;
Inferior not to thee, thou *Guernsey*! bravely crown'd!
With rough embattl'd rocks! whose venom-hating ground
The harden'd emeril* hath, which thou abroad dost send;
Thou *Ligon*,† her belov'd, and *Sark*, that doth attend
Her pleasure every hour, as *Jethou*, then at need,
With pheasants, fallow deer, and conies thou dost feed!
Ye seven small sister isles and sorlings, which to see,
The half sunk seaman joys: or whatsoever ye be!
From fruitful *Aureny*,‡ near the ancient Celtic shore,
To *Ushant* and the *Seams*,§ whereas those nuns of yore
Gave answers from their caves, and took what shapes they please,
Ye happy islands set within the British seas.

* Emery. † Probably *Lihou*. ‡ Alderney. § Isle of *Semo* or *Sein*, where the nine priestesses, so much feared by the Gauls, were said to reside.

The antiquities which now claim our notice, although of modern date, when compared with those just described, are few and unsatisfactory.

The Romans, it is true, were masters of Gaul, and continued so for many years, during which period the Channel Islands were under their sway. We are, however, deprived of documents relating to that era; and, with one or two slight notices of these islands, we are to trace our history during this period from a few vestiges left us. The only strong hold which can be viewed as of Roman origin consists of a triple bank, and fosse between them, extending from sea to sea, across the isthmus of the promontory of Jerbourg. This work partakes of the character of those in other parts, and which are considered as defences against the predatory intrusions of the northmen who swarmed annually over the coasts of the channel. They ascended every navigable river or stream in Britain and Gaul, thereby entering into the interior of the land, and from whence they carried off their booty to their ships. The very limited numbers of Roman coins and other memorials of that people which this island has produced, induce the belief that there was no legion stationed, or colony formed here. The coins which have been found are few, and refer to the empire under Antoninus, Commodus, and Severus.

In Alderney, several tumuli very recently existed. Two were examined in 1838, and found to contain stone kists, with urns and fragments of pottery. The neighbourhood has also furnished many war instruments, such as spear heads, swords, daggers, celts, (as they are commonly called, but used rather as ferules, than as "casse têtes;") all these were of brass or copper, with a variety of other arms and ornaments. They have been carefully collected, and are in the possession of Mr. John Gaudion, the chief judge of that island, to whose zeal we are indebted

for their preservation. The general character of these remains belongs to a period closely allied to the Roman invasion of Gaul, if not entirely of Roman manufacture, which, with some of the pottery found in the island, would confirm the opinion of its having been a Roman station.

The barrows which have been examined in the island of Alderney, have afforded bronze or copper instruments and "terra cotta" vessels. There is now a neat lachrymatory in the possession of Mr. John Gaudion, in very good preservation. This was found on turning up the ground near a barrow.

To secure themselves against marauders, the aborigines erected strong holds and encampments, and, at last, fortresses and castles, which enabled them to preserve much of their property, and also check the incursions of the northmen.

There are two mounds in Guernsey which have been generally considered watch stations, one in the parish of St. Andrew, called "La Hougue Fouque," and the other on the Forest road, named "La Hougue Hatenai," in the parish of St. Martin. The former is a corruption of "humus," earth, and "fucus," a fire. Hatenai is an Arabic term for a "knoll;" but how it became incorporated into the old Guernsey dialect, it is difficult to determine.

CHAPTER VI.

ECCLESIASTICAL ARCHITECTURE.

ST. APOLLINE, PARISH OF ST. SAVIOUR.

THE chapel of St. Apolline is the only one standing entire of the many which anciently existed in this island. It consists of a chamber, twenty-seven feet three inches long, by thirteen feet nine inches wide, having a narrow square-headed opening or loop hole at the east end, a rude round-arched or segmental doorway, and a narrow window divided into two parts on the south side, and a smaller segmental doorway and window on the north side. The whole is covered in by a thick and ponderous vaulted roof. Of the date when this building was erected nothing is known, nor are there any traditional accounts of it amongst the inhabitants. It is believed by them to have been, together with the other chapels whose names and sites are known, a chapel in use prior to the erection of the parish churches (i. e. prior to the year 1111, when St. Sampson's church was consecrated), and to have been built about the eighth or ninth century. Warburton says, that the monks came to this island about the middle of the tenth century. These chapels may, therefore, have been erected by them soon after their arrival, and before they had made many converts to the faith, for the size of the chamber would not admit of more than from twenty to thirty persons; and, if

we examine the building more closely, we shall be induced to believe that the date of its erection may be about that time, or, from its style, more probably anterior. It is evident that the knowledge of architecture was at a low ebb, from an examination of the south side window, which consists of rough granite blocks placed as follow:—A horizontal round-edged stone thirty-two inches in length and four inches in breadth, elevated about four feet from the ground, upon the extremities of which stand, as jambs, two similar stones twenty-two inches in length, supporting another horizontal stone of the same dimensions as the first, and upon which is again raised a similar structure. The whole thus forms a window of forty-eight by thirteen inches opening, divided into two parts by a horizontal stone or transom. The sides of the wall inside are merely splayed. This is very rude work, and may be styled, agreeably to the position of the island at that period, with respect to the continent, *early* Norman, not the early Norman of English architects, but early Norman, because this was a Norman isle. The interior of the chapel consists of a plain chamber, covered with a pointed vaulted roof. The sides of the roof and walls appear to have been once adorned with fresco paintings, and several figures of saints are distinctly discernible on the south wall. It was customary, at one period, to paint the church walls with representations of the day of judgment, legendary stories, figures of saints, and scriptural sentences; but these have, in most churches, been washed over and destroyed, so that now few specimens remain. Traces of such paintings are occasionally brought to light in the alteration and renovation of churches, and a curious wall-fresco painting has lately been discovered on the north wall of the chancel of the Câtel church. This appears to represent at one end the last supper, and at the other the last day, whilst between is a hawking scene.

At the reformation, when every thing which savoured of popery, or which had a superstitious tendency, was mutilated or entirely destroyed, these paintings were washed over and thus happily preserved. Now, as the custom of painting walls belonged to a period subsequent to the Norman style, we may conclude that this chapel was continued to be used long after the parish churches were erected. The silver-gilt chalice, belonging to this chapel, is one of the few relics of roman catholic times which the island possesses, and it is now in the possession of Colonel Guille, of St. George. Round the bowl are the words "Sancte Paule ora pro nobis." May not, therefore, the name of the chapel have been originally "St. Paul," and by a corruption have been called "St. Apolline?" This change might very easily have been effected from the French pronunciation of "Sancte Paule," and by the addition of *ne*. The walls of the chapel are two feet six inches in thickness, and are not strengthened by buttresses. At page 322, the word "Cyclopian" has been applied to the architecture of this chapel; but it must be understood, in a general sense, as applicable only to the rude character of the masonry, and not in reality as a specimen of that style.

ST. SAMPSON.

St. Sampson's is the earliest of our churches, having been consecrated in the year 1111. Its present appearance is very different from what it originally was, for subsequent alterations and additions have so affected it, as to leave little of the original building remaining. The interior is quite plain and massive; indeed, not a single ornamented moulding is to be found throughout. The western portion of the nave, which has small round-headed windows, and the south wall of the south aisle, in which is a plain round-headed piscina much mutilated, and a semi-circular door-way, appear to be the oldest, or of the early Norman style.

The east windows of the nave and aisles are of the Early English style. In the north wall of the north aisle is a segmental-arched arcade, and a squinch is thrown across the north-east angle ; but for what purpose, does not appear. This squinch could hardly be for strengthening this part, as there are two buttresses on the other side. The nave and aisles are vaulted, as are all the churches in the island. The tower, which is on the north side of the nave, and at the west end of the north aisle, is of the Early English style, quite plain and roofed with stone, and appears to have been added to that part of the nave after its construction.

PRIORY AND CHAPEL OF LIHOU.

Although we are led to the year 1114, or only three years before the consecration of the Vale church, it is thought that the little island of Lihou had long before been the retreat of the monks, to whom we are indebted for the erection of our first churches and chapels. Its lonely situation attracted their early attention, and it soon acquired an air of sanctity and veneration which rendered it a safe and quiet place for the residence of a prior, or, as it has been said, of an abbess and her nuns.

The site of the chapel has for some years presented a heap of walls in ruins, where the rank weed and thistle raised their heads amidst the rude masses of masonry which covered the ground. Sufficient, however, of the ruins are left to enable us to determine its different buildings. The chapel forms the most prominent feature, and the excavations which have lately been made in it have brought to light many of its details. It consists of a chancel and nave, with a square tower on the north-east side of the nave. It was vaulted with stone, and the north wall of the nave, with a few feet of the roof, is still standing. A few years back the chapel was entire, as regards the walls

and roof, the ornamental parts, which were of Caen stone, alone being mutilated. During the last war, the lieutenant-governor, fearing lest the building might be turned into some use by the enemy, issued orders for its complete demolition, which was accordingly effected by means of a barrel of gunpowder. The excavations above alluded to were commenced in the chancel, the walls of which were just visible above the turf. It contained the *debris* of the walls and roof, with the Caen stone ribs of the groined roof, and the stones which formed the columns and windows. After sinking to a depth of four feet, a pavement of small green and red glazed Norman tiles was observed, and from excavations made in different parts of the chapel, it would appear that the whole had been paved in this way. Below this pavement, a few silver monastic coins, and some silver pennies of Edward the First, were found. Against the north wall of the chancel are seen some columns and bases of Caen stone, which, together with the portions of the arches of the windows found in different parts, are of the Norman style. The prevailing moulding is the zig-zag and star. If we compare this chapel with the chancel of the Vale church, we shall observe great similarity in their details, proving that they were built at or about the same time; and this agrees with the dates given of their consecrations in the *Dédicace des Églises*, which states that Lihou chapel was consecrated in 1114, and the Vale church in 1117. When a trench was dug lately on the south side of the latter church for the foundation of the wall which surrounds the lightning conductor, a quantity of green and red glazed tiles, precisely similar to those composing the pavement of Lihou chapel, were thrown out, and probably were the tiles with which the original church was paved. To the west of the chapel a range of buildings may be traced, and others have disappeared in consequence of the sea undermining

the walls at spring tides and washing them away. In the bank, to the south, on the sea shore, is a drain leading to one of the buildings, probably the kitchen, in which large quantities of fish bones and scales, besides other matter, were found. A field to the north-west goes by the name of the "Cimetière," and to the east is a walled enclosure which retains the name of the "Garden."* To the south-east of the chancel are three or four steps, which appear to have been at the entrance gate of the priory. The present owner of these interesting ruins is Mr. James Priaulx, the proprietor of the island of Lihou, through whose liberality permission was obtained to remove the rubbish which covered the ruins, by which means the form of the chapel, and the style of its architecture, were determined.

From the island of Lihou to the opposite coast may be seen a rudely constructed causeway, said to have been made by the monks, to enable them to cross from one island to the other with greater facility at low tides.

ST. MICHAEL THE ARCHANGEL, PARISH OF THE VALE.

The Vale church, dedicated to St. Michael the Archangel, is the next in antiquity to St. Sampson's. A small portion only of the ancient part remains, and the more modern addition is remarkable for the irregularity of its construction. The building takes a twist northward from the middle to the tower, in consequence of which the vaulted roof is much deformed, and produces a curious and awkward appearance when viewed from the west end. The chancel is the earliest part, and is of a later Norman style than that of St. Sampson's church. This chancel formed the original church, an account of the consecration of which, in the year 1117, is still preserved. The pillars are

* At a short distance from this is a round-house or dove cote, where the monks reared their pigeons.

round, and have cushion capitals, the ribs of the groined roof are ornamented with the chevron or zig-zag moulding, and the windows are small, segmental, and plain, with the sides of the wall simply splayed. The north aisle is of the decorated style, and its east window, which is divided into three lights, exhibits a very beautiful device in the branching of the tracery, and represents a lyre. In the east end of this aisle is a stone, in which a monumental brass was once inlaid. This, for a long time, has been supposed to represent the Abbot of St. Michael; but it is no more than the effigies of a layman, or merchant and his lady, with their children, two sons and three daughters, at their feet.

ST. PHILIP, PARISH OF TORTEVAL.

Torteval church, dedicated to St. Philip, and consecrated November 4, 1130, appears to have consisted of a chancel, nave, south aisle, and porch, and a low square tower, pinnaced and surrounded by an octagonal spire at the west end of the nave. This church, which was very small, was pulled down in the year 1815, and a new one erected in its place.

ST. SAVIOUR.

St. Saviour's church was consecrated in the year 1154, and consists of a chancel, nave, south aisle, and south transept, with a lofty square tower at the west end of the nave. The south aisle appears to have been built prior to the chancel, for a buttress, supporting its north wall, is built into the wall of the chancel. The east window of this aisle is large and pointed, its sides are simply squared off and without mouldings, and those on the south side are small and segmental. The east window of the chancel is similar to that of the aisle, but smaller, the north windows of the chancel and nave are small, one being semi-circular, another pointed, and the two remaining segmental. The south piers of the nave,

some of which are round, and others octagonal, are without capitals, with the mouldings of the archivolts dying away into the pillars. This is common in the style called by the French antiquaries the Flamboyant, which was cotemporaneous with the Perpendicular in England. The south transept is small, and the south window has been modernized. The tower is square, lofty and embattled, and is surmounted by a short octagonal spire. Its north and south windows are pointed, and its east and west square-headed. The corner buttresses are of two stages, and terminate in triangular heads with flowers on the points. In the south aisle were two plain legends; but they have been removed.

ST. MARGARET, PARISH OF THE FOREST.

The Forest church, dedicated to St. Margaret, was consecrated on the 3d September, 1163, and consists of a chancel, nave and north aisle, with a low tower and octagonal spire at the junction of the chancel and nave. The north aisle is a modern addition, the piscina in the east wall is square-headed, and the north windows plain, with granite lintels. The east window of the chancel is semi-circular and cinque-foiled, the sides of the wall inside being simply splayed. The south windows are modernized, one of which appears to have been divided into two lights, ogee-headed, with a circle between them, and the ornamented heads rudely cut out of a large granite block. But this window, like every thing else, has yielded to the *improvements* of modern times, the ornamented parts having been cut away so as to form a segmental head. The tower is not square, the east and west sides being longer than the north and south, consequently the right sides of the spire are not equal.

ST. PETER-IN-THE-WOOD.

The church of St. Peter-in-the-Wood, which exhibits some Norman portions, has suffered less from

sacrilegious hands than any other church in the island. The tracery of most of the windows remains, and the ornamented parts are more perfect. Over the door of the north aisle is a rose window, the tracery of which has long since disappeared. The north and south walls of the chancel are pierced with small round-headed or Norman windows, quite plain, with the sides of the wall splayed, and the north and south pier arches, next to the chancel, are semi-circular. The consecration of this church took place in the year 1167, and great additions, in the Decorated style, have been made to it. It is built on the west side of a hill, and in consequence the chancel is several feet higher than the west end of the nave, so much so that it is like going up hill to walk from the tower to the chancel. In the middle of the nave was a monumental brass, which has unfortunately shared the same fate as those in the other churches. It represents a layman or merchant, and from its outline on the stone appears to be about the year 1560.

ST. MARTIN.

St. Martin's church, according to the *Dédicace des Eglises*, was consecrated on the 4th of February, 1199, the tenth year of the reign of Henry II., king of England. But a mistake has arisen respecting the reign in which this event took place; and it was probably made by the transcriber of the manuscript, for, if the date be correct, it should have been the tenth year of the reign of Richard I., instead of Henry II.; and, if the year of the reign, and the king's reign be correct, the date should have been 1164, instead of 1199. And from an examination of the architecture of the church, we conclude that the mistake is in the king's reign, for no Norman work appears in it, which would have been the case had the church been built in the year 1164. The nave and chancel are of the Early English style, as is also the tower

which is at the junction of the two. In the east end of the nave is a slab which contained a brass, representing a layman or merchant and his lady; but the stone is very much worn, and in a few years no traces whatever of the figures will remain. The north aisle is modern, and the windows throughout the building have also been modernized. The south porch is one of the most elegant in the island, and is of the Decorated style. The corner buttresses, which are set diagonally, are short of one stage, and terminate in pinnacles ornamented with crockets and finials. These ornaments, as well as those on the sides of the arch and on other parts of the porch, are of sculptured granite and of good execution, though massive; and, indeed, in some parts out of proportion.

NOTRE DAME DE LA DÉLIVRANCE, PARISH OF THE CÂTEL.

The Câtél church, dedicated to Notre Dame de la Délivrance, and consecrated in the year 1203, next claims our attention. It consists of a chancel, nave, south aisle, and small chapel or north transept, with a square tower, pinnacled at the four angles, and surmounted by an octagonal spire. Within the last two centuries it has undergone many alterations and repairs, and all the windows have either been altered or enlarged. On the north wall of the chancel, some rude fresco paintings have lately been discovered, to which we have alluded in the preceding account of the chapel of St. Apolline. There is an arcade in the north wall of the nave, with segmental arches, and in the east window of the north transept is tracery, rudely sculptured out of the granite block composing the lintel. This church is built on the site of an ancient fort called the "Castel (whence the name Câtél) du Grand Sarazin," and it is said that the north wall of the chancel, and the transept, are the remaining portions of the old castle walls, the masonry of which is certainly very rude, being composed of large and

small stones put together without any order. In the angle made by the chancel and transept, a projecting perforated stone about the middle, and a bracket near the bottom of the wall, are pointed out as the spot where the castle standard was planted.

ST. ANDREW.

St. Andrew's church was consecrated October 1, 1284, and consists of a chancel, nave and south aisle, with a low square embattled tower and short square spire at the west end of the nave. Almost all the windows have been modernized, and two of them, one a north window of the chancel, and the other a south window of the aisle, appear to have been square headed, divided into two lights, with trefoils rudely sculptured out of the granite lintels, in the same manner as that in the Forest church. The mullions have been cut away, probably to give more light in the church, as the other windows are small. The pulpit is of carved oak, and is the sole remaining pulpit of any antiquity in the island. Unfortunately, it is painted in bad imitation of mahogany, and would look much better if the paint were scraped off, and the genuine wood exposed. It is hexagonal, and the panels of each side are badly carved to represent flower-pots and plants in full bloom within semicircular arches. The panel at the back of the seat represents St. George and the dragon, above which are several initials, and the date 1664. This is no doubt of Guernsey manufacture, and shows us the perfection to which island carpentry had reached in those days. In the east end of the south aisle was a brass or plain legend, which has been removed. The whole church is vaulted, and the walls supported by buttresses of one stage.

ST. PETER, PARISH OF ST. PETER-PORT.

The town church, dedicated to St. Peter, was consecrated August 1, 1312. It is built in the form of a

cross, and consists of a chancel, nave, north and south aisles, and north and south transepts, with a square tower at their intersection. This cathedral-like building is well worthy of the stranger's regard, being the finest and largest parish church in the Channel Islands. There are some striking and interesting features in its details, which merit the attention as well of the antiquary as of the casual visitor. Great praise is due to the members composing the committee who were instrumental in restoring it with so much good taste to its present state, for some of its most interesting parts, which were before hidden, were by them brought to light and preserved, and many blemishes rectified. Its present appearance is very different to what it was before these changes were effected: we see none of those high pews and heavy galleries which formerly destroyed its beauty, and although a slight mistake has been here and there made by them in their zeal for uniformity, such, for instance, as the putting of capitals on pillars which never had, or should never have had any, still many a good work has been wrought by them. Amongst other improvements the monuments and tablets were removed from the clustered pillars, from which some of the smaller shafts had been barbarously cut away, and the void filled up, and the elegant piscinæ, which are the admiration of every one, cleaned and restored, though several were again plastered up, because too much mutilated to be preserved.

This church is of the style of the later Gothic of France, termed the Flamboyant; it is richly decorated in some parts. The mouldings and the canopies of the north porch and west door, which are crocketed, finialed, and pinnacled, deserve especial notice. The pillars of the south transept are octagonal, without capitals, and the mouldings of the archivolt die away into them. In the east wall of the transept is a granite piscina, ogee-headed and trefoiled, with a shelf

across it.* In the east walls of the north and south aisles are most elegant piscinæ, the canopies of which are crocketed, finialed, and pinnacled, and the interior moulding of the arch and sides formed of crumpled leaves and creeping animals. The shelves consist of brackets of leaves, above which are two niches, square-headed and trefoiled. In the south-east pier of the north aisle, there is also a piscina. Against the south pier of the chancel arch there was a stone pulpit, which was removed during the repairs, in consequence of its extremely mutilated state. In the east end of the north aisle is a slab on which are three figures, perhaps a layman and two wives, or probably three men, for the right and left figures represent more the outlines of ecclesiastics than females. The brass has long since been removed, and the stone is so much worn that it is difficult to determine the figures. The tower is square and embattled, with a window in each side, and surmounted by a short octagonal spire, which was erected in the year 1721. The gurgoyles at the four angles of the string-course of the tower, and at other parts of the building, are nothing remarkable, and merely represent human figures, with scutcheons and lions' heads and shoulders.†

Having given a short description of our churches, it will now be necessary to take a brief review of their general characters. We have noticed only one of the early ecclesiastical buildings, because that alone remains of the eleven which formerly existed. These eleven are St. Magloire, and the chapel near Pulias, in the parish of the Vale; St. Apolline, in the parish of St. Saviour; St. Jacques, St. Julien, and St. Catherine, in the parish of St. Peter-Port; St. Clair, and la

* At the period when the repairs were made, a piece of carved oak was found in the same wall, with the following inscription—"an : mil : cccc. lxxvi. fut faite," which probably refers to the date when this transept was erected.

† This church is indebted to the Earl of Shaftesbury for the munificent gift of a full service of cushions for reading desk and pulpit, kneeling cushions for communicants round the altar, and two altar covers and cushions of rich crimson velvet, embroidered with gold.

Chapelle d'Anneville, in the parish of St. Sampson; St. George, and St. Anne, in the parish of St. Mary de Castro; and St. Brioc, in the parish of St. Peter-in-the-Wood. It seems to be the general opinion that St. Magloire was erected the first, and St. Apolline may with reason be placed next, on account of the rudeness of its architecture, which would carry it back to very early times: of the others* so little is known, that no order can be given to them. These chapels appear to have been contemporary with those of Jersey, of which two very similar to them are still standing in that island. The walls are similarly constructed, being composed of stones put together without attention to size, shape, or order, and the roofs vaulted and pointed. The mortar is composed of lime, sand, and sea shells, chiefly limpets, some of which are burnt, and some unburnt and perfect.

The ancient churches of England, even as they at present appear, display in their internal arrangement, peculiarities designed and adapted for the celebration of various religious ceremonies, the general form being a chancel, nave, north and south aisles, and a tower at the west end; and all these parts are, as it were, distinct and distinguishable the one from the other. But if we compare this form with the general character of most of our churches, we shall perceive that their internal arrangements are confused and undefined. The reason of this will appear by a careful examination of the buildings, for we shall find that they have increased to their present dimensions by various additions made at successive periods, according as the increase of population required an increase of church accommodation, and that not by a settled plan. Let us, for instance, take the Vale church.

* Portions of the east and west walls of the chapel of St. George, on the property of Colonel Guille, are standing; and some portions of the other walls have been pulled down within the last century. The brass altar candlesticks, belonging to this chapel, are in the possession of the proprietor; they are ten inches in height, one is quite plain, and of the other, the stem is a fluted column, and the base is ornamented with folds of linen and flowers engraved on it.

The most ancient part, or that only of the present structure, of which the consecration is mentioned in the *Dédicace* as having taken place in the year 1117, forms but a small portion of the whole building, and is confined to the chancel. The north wall of the chancel is distinct from the south wall of the north aisle which abuts against it; and it would also appear as if only half of the north aisle had been built at one time, and the remainder subsequently added, for the confusion exhibited about the middle is great, clearly showing that no uniformity of design had been followed, but that merely additions had been made as required. The western portion of this aisle is built out of the line of the eastern, and more to the north of it, consequently, in vaulting, it was found necessary to project a bracket from one of the pier arches from which the vaulting springs. The whole of this, therefore, never could have been the original design of the architect, but must have been the consequence of subsequent additions and alterations without a fixed plan.

Our churches are remarkably plain, both as regards their exterior and interior; and, excepting in the town and Vale churches (in the latter of which there only appears one single zig-zag moulding), no ornamented mouldings or other decorations are to be found. Either the principal inhabitants of the respective parishes were too poor to afford any thing else than bare walls, or they had no better taste. As regards the additions of these buildings, they were most probably planned by native architects, and erected by native workmen, whose only care was to give shelter to the worshippers, without displaying any refinement of taste by decorating either the interior or the exterior. Had they been the work of experienced continental masons, they would have shown more beauties in their details than they do, and the work would have been better. It is not unlikely that the masons were found in the neighbourhood, and employed as we

should employ those who happened to be close by, for any work in hand. In many parts of these buildings we meet with rude country work, not much unlike the domestic architecture of the islands. The doorways, more especially, strike us as similar, for there is scarcely a farm house of any antiquity which does not possess a door with a semicircular arch of great strength.

In the pews we observe one prevailing form, consisting of enclosed seats, round the top of which runs a small open ballustrade of about eight inches in height. The favourite ornament on the panels of these pews is the "linen panel," so called from its representing folds of linen, which was employed during the sixteenth and early part of the seventeenth centuries.

We cannot but deplore the loss of the few monumental brasses which existed in the island, and of which there are traces in six of our churches; and, although from their outlines they seem merely to have represented laymen or merchants, and to have been of the date of the middle or close of the sixteenth century, still they would have proved doubly interesting to those inhabitants whose ancestors they probably represented. A question has lately been started in England, respecting brasses, whether they contained likenesses of those whom they commemorated. If so, we would have looked upon them with a still higher interest, and some might have had occasion to be proud of an ancestry, whose physiognomy indicated an elevation of soul.

The churches were without fonts, from the time of the reformation until two or three years since, when the Lord Bishop of Winchester ordered one to be placed in every church. Two of the old fonts have lately been discovered in the ground; one belonging to the town, and the other to the Vale church. They are of the Decorated style, and composed of Purbeck lime-

stone. Before this time, small vessels, like coffee-pots, were used, and, of course, found very inconvenient. There is one thing, in particular, which deserves notice,—it is the removal of the tracery from the windows; and for this work of destruction we need not go back so far as the reformation, for we know that this has been done in more modern times. In some instances the tracery has been removed, in order to give more light, and in others to save a trifling expense for repairs.

There is a peculiarity about the towers of several of the churches; namely, the Vale, Torteval (the old church), the Forest, St. Martin, and the Câtel. The towers are short and square, with a round pinnacle at each angle, supported on four short round pillars.

The stone crosses on the gables have mostly been destroyed. They were in general small and plain; but that on the west gable of the south aisle of St. Andrew's church is a cross-pattée.

We shall close this account with a comparison of the dates of the consecrations of the churches in Guernsey and Jersey, extracted from an ancient black letter manuscript, entitled *Le Livre Noir de l'Évêché de Coutances*.

GUERNSEY.	Consecrated.	JERSEY.	Consecrated.
St. Sampson.	May 22, 1111.	St. Brelade.	May 27, 1111.
		St. Martin.	Jan. 4, 1116.
St. Michael.	Sept. 29, 1117.	St. Clement.	Sept. 29, 1117.
Torteval.	Nov. 4, 1130.	St. Ouen.	Sept. 4, 1130.
St. Saviour.	May 30, 1154.	St. Saviour.	May 30, 1154.
St. Margaret.	Sept. 3, 1163.	Trinity.	Sept. 3, 1163.
St. Peter-in-the-Wood.	June 29, 1167.	St. Peter.	June 29, 1167.
St. Martin.	Feb. 4, 1199.	St. Laurence.	Jan. 4, 1199.
Câtel.	Aug. 25, 1203.	St. John.	Aug. 1, 1204.
St. Andrew.	Oct. 1, 1284.		
St. Peter-Port.	Aug. 1, 1312.	Grouville.	Aug. 25, 1312.
		St. Mary.	Oct. 5, 1320.
		St. Helier.	Aug. 15, 1341.

These churches and priories were consecrated to God by the Bishop of Coutances, or his deputy, in the presence of many noble and pious persons, whose names appear in the manuscript. From the above

comparison we observe, that the churches in both islands were built within a short time of each other, and that several were consecrated on the same day in the same year.

It may not be altogether out of place to mention that the parishes of the island are named as follows in the Pleas of "*Quo Waranto*," held in the island in the second year of the reign of Edward the Second, before John Fressingfield and others, justices itinerant, William Des Mareys, on behalf of the crown, having then laid claim to certain lands and rents, "in parochiis Sci Petri in Portu, Sce Marie de Castro, Sci Salvatoris, Sci Andr', Sci Martini de Bellosa, Sci Samps', Sci Petri de Bosco, de Wale, Fortenal* et Foresta."

No mention has been made in the foregoing account of any other religious houses besides the priory of Lihou. There were several, but of most of them few vestiges are now remaining. A small portion, however, of the monastery of St. Michael, at the Vale, is still standing, and is converted into a farm house. There are buttresses of two stages supporting the south wall, and segmental arches in other parts of the house. Whilst noticing this building, which is situated below the Vale church, we may as well mention the bells of that church, which are the oldest in the island. There is a Latin verse in old characters upon each, but no date. The letters on two of them are so much worn and so imperfectly cast that only one could be made out. Round the largest bell is the following verse:—"Est mihi collatum illic istud nomen amatum." From the style of the letters we should consider them not later than the fourteenth century.

Of the other religious houses nothing exists but their names; but even on this head much uncertainty prevails, several ecclesiastical establishments in Nor-

* Evidently Torteval.

mandy having held lands in the island, and it often appearing very doubtful whether the religious houses, whose names such lands still retain, were situate in Normandy or in Guernsey. It is not improbable that there was a religious house in the neighbourhood of the chapel of St. Apolline, for portions of mullions and tracery belonging to a large window have been discovered in the house opposite the chapel. At the back of this house there is also an old building, in the walls of which are the remains of arched windows and a fire-place: this was probably the kitchen of the religious establishment. The proprietor of these premises has in his possession the clapper of the bell, and also portions of the sun-dial and ornamented stone cross, which, it is said, stood on the summit of the east gable of St. Apolline.

In the town parish there are several buildings which have been considered ecclesiastical, from their possessing sculptured lintels over the doors, and other ornaments in different parts. They were merchants' dwellings, and are ornamented with scutcheons containing their private marks and initials, with garters and mottos. That in Mill-lane seems to have been built with the stone of another house, for the quoins are mostly portions of mouldings, and in some instances stones in which iron railings have been set. The scutcheon over the door contains the arms of the De Saumarez family; namely, a chevron with three towers, between three leopards' heads coupé, and that over the window contains a merchant's mark.

The corner house at the bottom of Berthelot-street was also a merchant's dwelling. Upon the spurs supporting the projecting story are scutcheons containing merchants' marks, and the following words: "En Dieu j'ai mi mon apuy, et sa providence m'a conduit," with the date 1616. This house is said to have belonged to Mr. J. Briard, a name now extinct in the island.

We shall conclude this chapter with a few remarks on the modern churches:—

Torteval church, built on the site of the former one, is small and plain, and has a round tower and lofty round spire.

St. James's, built in 1818, which is principally modelled upon the Doric order, belongs to that style which has prevailed for the last century and a half, a period, more especially, during which every true feature of our ancient ecclesiastical architecture has been lost sight of, and during which architects seem to have vied with each other in departing from the former purer styles. In some instances they have been anxious to display their universal skill in architecture by introducing several, if not all, of the orders into the same building; and each has endeavoured to gain his reputation by having a style peculiar to himself. Buildings of this sort reflect no credit upon those who planned them, and they are anything but ornamental. Within the last few years, however, a better taste has arisen, and, instead of finding a mixture of other styles, (the Italian predominating,) we begin to see the revival of a purer taste, and churches planned with more architectural elegance of design.

St. John's, built in 1836, the general character of which is Early English, although far from being a perfect model, may be classed amongst this kind. We have been struck with one peculiarity about this church, which is, that the tower is at the east, and the altar at its west end. This church forms a very pretty object in that part of the town, and is a great addition to the landscape.

CHAPTER VII.

MILITARY GOVERNMENT.

THE most ancient titles given to the governors of the island were *custos*, gallice *gardien*, anglice warden, and *capitaneus* or captain. This style or title is used in the most ancient extents preserved in the tower of London. Thus we find the expression: "*Dominus rex habere consuevit unum custodem insularum.*" In several orders of Edward the First and Edward the Second, we read, "*Edvardus rex, &c., dilecto et fidelissimo custodi insularum.*" The term captain is mentioned by Cowel in his dictionary; he says, "We have captains in Garsey, Guernsey, the Isle of Wight, &c."

Ancient Extents speak of an officer in Guernsey in these words: "*Dominus rex habet ibidem et habere consuevit unum constabularium.*" The old manuscripts, which preserve some fragments of insular usages, translate *constabularius*, lieutenant-governor, stating that the governor appointed him as his deputy. They also affirm that the *constabularius* received from each foreign vessel, barque, or boat which unloaded its cargo in the island, certain dues; to wit, from each vessel loaded with wine or salt, two *pots* of wine, measure of the island, and two measures of salt. And if a vessel were loaded with wine and salt, then the lieutenant-governor was entitled to half the quantity of each article.

The governor is not only the chief officer among

the military in the island, but he has also the precedence over all other public functionaries, by his representing more immediately the person of the sovereign. This important office must have been one of very ancient establishment. Mr. Falle alleges that when the Channel Islands were subject to the kings of France, the governors were styled *comites* and *duces*, earls and dukes; and that Loyescon, who commanded at Jersey, in the time of Clothaire and Charibert, A. D. 560, was called *comes*; and that Anwarith, who had the same command two hundred years afterwards, in the reign of Charlemagne, was called *dux*, which particulars, that author says, were obtained from documents kept in the abbey of Fontenelles, in Normandy, cited by Dumoustier in his *Neustria Pia*, page 154, wherein it is also specified that, in the time of Charlemagne, Geroaldus, abbot of Fontenelles, was sent to Jersey with an imperial commission; but the subject of it is not stated.

Though it does not appear from Falle, that any mention is made of Guernsey, it is not to be supposed, as Loyescon occupied the post of governor of Jersey in the time of St. Maglorius, who had all the Channel Islands under his spiritual care, but that the same measures were adopted by the Kings of France as to the political government of Guernsey, as both islands were equally dependent on France till they were annexed to Normandy. The dukes of that province, so long as this connection lasted, appointed their own officers, and when Normandy was severed from England, this right devolved on the Kings of England, the islands forming the last remaining fragment of the inheritance that descended to them from the conqueror.

Many princes of the blood held these offices as Dukes of Normandy, the islands being considered part and parcel of that province, the King of England's eldest son having the title of Prince of Normandy, as he now has the title of Prince of Wales. For though

King Henry the First annexed the Channel Islands to the crown, yet, during the usurped reign of Stephen, the Earl of Anjou (afterwards King Henry the Second) remained in possession of that province, together with the islands, until he obtained the throne of England, when he conceded them to John, his son, earl of Mortain, to whom King Richard, his brother, confirmed the same after the death of his father.

In all probability the Earl of Mortain kept the islands under his immediate custody after he became King of England, as no documents mention the name of any other governor till the reign of Henry the Third, and many authors attest that he came frequently to Guernsey and Jersey, after he was seated on the throne. This prince, as well as his predecessors, had a resident delegate to officiate for him during his absence. Rodolph De Valmont commanded in this island in the time of the Earl of Anjou, and held assizes, we presume, as bailiff; and Philip D'Aubigny discharged the same duty in the time of the Earl of Mortain; for, as these princes were lords of the islands, they were also the local legislators, who delegated their authority to their deputies, both in civil and military matters. It is not then surprising that, under the reign of King Henry the Third, we find the governors styled in their commissions, *custodes et ballivi*; *custodes*, or guardians, being the ancient name given to them, as well as captains, till the separation of Guernsey and Jersey into two distinct jurisdictions; since which time they have always been called governors.

Prince Edward, afterwards Edward the First, possessed the islands, as is proved by a grant of his confirming certain privileges in Guernsey to William De Chesney. When any of the lords of the island were called abroad, or his own affairs prevented his residence, some other was appointed in his place, and, of course, invested with proper power, *durante*

bene placito, during pleasure, with the right of revocation. Thus, in the time of Otho De Grandison, Henry De Cobham and John Des Roches were appointed lieutenants or deputy governors.

At a court of chief pleas held in Guernsey, in the twenty-seventh year of the reign of Edward the First, Dionysius De Tilbury is represented as governor and receiver of the island, and Rodolph De Grand as bailiff, so that both offices were then filled by different individuals. Among the manuscripts of Mr. Thomas Le Marchant, it is stated that that gentleman "had seen an authentic translation of some rents, made in Guernsey in 1428, under the Duke of Bedford, brother to the king, wherein he is styled prince and lord of these islands." We shall now give an instance in the same reign, when it was otherwise.

Thomas D'Estfield, the gaoler, had his effects seized for the benefit of the crown, on his absconding from the island, after killing a man who had violently attempted to rescue a prisoner then in his custody. On receiving a report of this transaction, King Edward sent orders to institute an inquiry into the facts, and it was addressed Petro Le Marchant, *tenenti locum Domini Ottonis de Grandison in insulâ Guernsey*, to Peter Le Marchant, holding the office of Lord Otho De Grandison in the island of Guernsey; and two months afterwards, the king, on receipt of his answer, referred the case to William De Grenfield, his chancellor, by a letter wherein he styles Le Marchant "bailiff;" consequently, he must have discharged the offices of governor and bailiff at the same time, the former by delegation from Grandison, the latter by virtue of his own right. But this was too great a trust to be confided to any single individual, and our sovereigns have ever since separated these offices, as being incompatible with each other; for, although in the reign of Queen Anne, Sir Edmund Andros, a native of Guernsey, was invested with both

commissions, yet, notwithstanding his great interest at court, and the honourable posts he held as governor of various provinces in North America (see page 129), he was obliged to appoint a lieutenant-bailiff to officiate for him and preside on the bench.

From the reign of King Henry the Seventh, the islands of Guernsey and Jersey have been separated into two distinct governments, from which time the governors have in general enjoyed the whole revenue of the crown, each in his respective island ; but they maintained the garrison till the reign of Charles the Second, when the castles were put under the direction of the board of ordnance, and the governors exempted from that expense. Lord Hatton was the last governor of Guernsey, whose patent authorized him to appoint the officers, and pay them and the troops ; though it is true that some later commissions contain the same privilege. It has, however, never been acted upon since his time, and the insertion of this superseded right seems to have been an error of the clerks, who, proceeding on the old routine, modelled the later commissions on the old ones.

Touching the respect and obedience due to the governor, the order of Elizabeth, in 1568, contains the following passage :—

“ Especial respect is to be had that the captain, as his majesty’s principal officer there, be chiefly regarded, esteemed, and obeyed, in such degree as doth belong to the situation he holdeth, and be assisted and maintained by the bailiff and jurats, to the best of their power. The said captain, bailiff, and jurats, are to join together in all good friendship and concord, whereby they may, with more commodity, each of them, attend their several charges.”

It appears by an order in council of 1580, that the governor had for some time taken dues on merchandise imported by foreign vessels,—a right which he attempted to justify under the pretext of encouraging the commerce of the inhabitants. But the royal commissioners, in 1607, deemed this to be an infraction of the privileges of the island ; and they reported that, in 1604, Sir Thomas Leighton, a man of most grasp-

ing avarice, promised "that he and his officers, touching the said custom, will demand no more than in the Extent is contained."

By the approbation of the laws, sanctioned by Elizabeth, the governor is *ex-officio* admiral in the island; "and nothing appertains touching the admiralty to the admiral of England, but to him whom his majesty may please to appoint admiral."

In 1607, James the First empowered royal commissioners to decide many articles of complaint presented by the inhabitants to his majesty against Sir Thomas Leighton, governor of the island, and they settled the following points relating to his jurisdiction:—

"1.—That the governor should not hold any courts martial in the island, except in time of war, or of imminent danger from pirates; and then only after having taken the advice of the bailiff and jurats.

"2.—That in case of imprisonment of any inhabitant, he shall regulate his conduct according to the order in council of 1605.

"3.—That in case of preparations for war by the enemy against the crown of England, the governor shall not oblige the bailiff, gentlemen, or persons of middling station to keep watch and ward, but shall select other persons suitable for such service, after having consulted the bailiff and such jurats in whom he reposes the most confidence. And he shall maintain a just equality among the inhabitants. These are the express words of the commissioners; 'neither shall he (the governor) compel any one to do more than another, but the charge and attendance of the islanders shall at all times be equally apportioned, touching the said service.'

"4.—The governor shall not hinder merchants, their agents, or mariners, from landing on and quitting the island, or trafficking with foreign countries which are not at war with the realm of England, unless there be some special order from his majesty in council to the contrary.

"5.—The governor, in conjunction with the states, shall prohibit the exportation of wheat from the island in time of scarcity; and, in that case, he shall provision the garrison from his own revenue.

"6.—Neither the governor nor his officers shall restrain the inhabitants from buying wheat.

"7.—The governor having forbidden, by public proclamation, any of the inhabitants from going on board a foreign vessel during the war of the League in France, and while several vessels from Dunkirk were cruising round the island; and some of the inhabitants having disobeyed this order under pretext of assisting a vessel in distress, and being in consequence put into prison, the commissioners did not blame that imprisonment.

"8.—All the inhabitants, when summoned, are obliged to wait on the governor and speak to him.

"9.—The governor to allow natives to marry foreigners without exacting any money for his license.

"10.—It appears that the governor had the power, as his predecessors had for a great number of years, to nominate the bailiff of the island, the senechal, vavasors, &c., of the court of St. Michael, at the Vale, and of several other fiefs. The commissioners decided that the offices of governor and bailiff are incompatible; that the governor, having once appointed a bailiff, cannot depose him; but he may

depose the senechal, vavassors, &c., of his nomination, as other lords of fiefs can depose those of their nomination.

" 11.—The governor cannot remove any of the rectors of parishes, although he has the patronage of their livings.

" 12.—The governor may regulate the distribution of the provisions allowed to Castle Cornet.

" 13.—He cannot compel the inhabitants to furnish beer or cider for the castle, without paying them a fair price.

" 14.—He cannot oblige the inhabitants to arm against pirates, nor construct new fortifications in the island, without the express orders of the lords in council, and the advice of the bailiff and jurats.

" 15.—The garrison shall have the choice of the most expert workmen for working at the castle, on paying nine sols per day for master workmen, and six sols for labourers (which seems to have been the regular rate of wages at that time). He shall also pay the current rate of wages to those who work for him personally."

Before any act of the governor's authority can be put into execution in the islands, his commission must be first produced before the royal court. If he should be absent, a certificate of his having taken the oath of office must be produced, with a dispensation from the king to excuse his personal attendance, after which the commission is entered on the records. The obligation of the oath is not only to keep the islands and castle under subjection to the king of England, and to uphold the royal prerogative, but also to maintain the privileges and ancient customs granted by our crowned heads to the inhabitants, as well as to observe the ordinances of the court.

The governor's greatest authority is over the officers and soldiers in garrison, he having supreme military command over them, together with the right of punishing any offence they may commit, according to the rules prescribed by the articles of war; but this only applies to breaches of military discipline. The crown has reserved the punishment of capital crimes, assaults, &c., to the civil magistrate, as well as every other case wherein any inhabitant is concerned, there being no court martial ever allowed here except between soldier and soldier, for military disobedience.* If a soldier, living and dwelling in Castle Cornet, as troops formerly did, and of course under the imme-

* Order in council, 1628.

diate charge of the governor, offended against the course of justice, as established in the island, the bailiff and jurats had always a right to demand that man from the governor; and if he refused to deliver him up, they, in that case, had recourse to the privy council for redress, though it was required that forty days should elapse, allowing that time for amicable adjustment.*

Some governors were formerly authorized by their patents to appoint officers and soldiers, and to regulate the amount of their pay. In time of war, when additional troops were sent over from England for the defence of the island, and they could not all be conveniently lodged in Castle Cornet, it was customary for the inhabitants to provide quarters for the remainder at the public charge of the island; though, in the reign of King James the First, when some additional companies were ordered here, the king in council, anxious not to press hard on the natives, sent an order to the bailiff and magistrates "to take care that those soldiers committed no disorder, and that they paid for their quarters daily." As to the officers, they have from time immemorial provided themselves with their own lodgings, notwithstanding several attempts made from time to time to charge the expense on the inhabitants; and, at even a comparatively recent date, many applications have been made for that purpose: but the British government, sensible that it would be an infringement of the privileges of the island, granted them a commutation out of the exchequer.

The governor having, by his patent, the command of Guernsey and all the forts and forces within its limits, exercised, in very early times, great authority over the insular militia; but it did not extend to Alderney, which island, about 1683, was granted by the crown, on a lease of ninety-nine years, to Sir

* Order in council, 1603.

Edmund Andros, and by renewal was last in the possession of Major-General Le Mesurier, who, in 1824, made it over to the crown for an annuity; and now the governor of Guernsey has the superintendence of the Alderney militia. The governor appoints commissioned officers in the militia of the bailiwick, and has the regulation of the whole body, ordering them at pleasure to turn out, either by regiments or companies, as he judges it to be expedient for their discipline. The militia is very efficient in time of war: the artillery and infantry are admirable marksmen, and have challenged and beaten, in target firing, the troops of the line stationed in the garrison (see page 257). Indeed, the late Sir John Doyle, when lieutenant-governor, often said that he would undertake to defend the island against any attack of the French with the local militia alone, unaided by British troops; and, though this be a highly flattering compliment, many other experienced officers have assented to its truth.

As no more convenient chapter than the present one of this History can be selected for a short account of the Guernsey militia, we shall state its origin and the constitutional privileges attached to its existence. The privilege of defending their own territory, so honourable a mark of freedom, may be traced in some respects to a natural cause; to wit, the proximity of Guernsey to its most inveterate enemy in ancient times, which always obliged the inhabitants, in time of war, to be constantly on their guard against surprise or invasion. The political constitution of the island requires every man, from the age of sixteen to sixty, to provide himself with arms and ammunition, and even to perform rather more duty than the regular troops, by often turning out to drill,—to keep a strict watch round the island by night and day,—to repair the bulwarks,—to keep the garrison, when troops of the line were not in the island,—and, in short, to perform all other necessary services required for insular de-

fence. These several obligations induced Henry, earl of Anjou, as duke of Normandy and of the islands, to enter into a convention with the inhabitants, to the effect that, in consideration of the sum of seventy livres, which they bound themselves to pay annually, they should be free from taxes and from the duty of serving abroad, unless it was to accompany the duke in person for the recovery of England. This compact is confirmed by the Extent of King Henry the Third, dated 1249. These are the words :—"Homines totius insulæ communiter debent singulis annis, sicuti pro auxilio, sexaginta et decem libras turonum; et per illas lxx libras quieti esse debent omnibus occasionibus, nisi tantum cum necesse fuerit ire cum corpore Ducis Normanniæ ad Angliam recuperandam." After the loss of Normandy, this yearly rent was made payable to the crown of England.

During the last war, about the year 1807, three natives of the Forest, fishermen, were impressed by a ship of war, while fishing near that parish. They belonged to the south regiment of militia, then commanded by Colonel Harry Dobrée, who claimed them from Sir Edmund Nagle, the rear-admiral on the station. He refused to release them, and the matter was referred by Sir John Doyle to the secretary of state, when an order was transmitted from the admiralty for the immediate release of the three men, Sir John having claimed them as part of the force under his command, and strongly urged the necessity of the militia being protected from impressment.

The Precept of Assize, drawn up by the royal commissioners in the reign of King Edward the Third, taking notice of the proximity of the island to the French coast, declares that on this ground, and in consideration of the sum of sixty-nine livres and three sous annual rent, called *aide du roi*, to be paid to the crown by the inhabitants, they shall not be compelled, by any brief from the king, or any other authority, to

go out of the island ; notwithstanding which, his majesty may command the services of coast pilots.

There is no doubt that the King of England, who enjoys the islands as his patrimonial right descended to him from the Dukes of Normandy, is the sole legislator of them, and that they entirely depend upon his royal pleasure. He may, at all times, by a special order, command the services of any of the inhabitants; yet, by this equivalent, which is still paid to his majesty's receiver, it is clear that it can only be exercised on very extraordinary emergencies, as is more fully explained in several old charters, in which it is expressly mentioned that the inhabitants of the isles of Guernsey, Alderney, and Sark "are free, and exempt and acquitted from all works and expeditions of war, except in case the body of our sovereign, or of his, or her, heir and successor, should be taken and put in prison by the enemy."

The British government are so sensible of the usefulness of the Channel Islands militia, that it conferred on them the title of "royal," (see page 209) ; and, in 1811, Mr. Thomas Goulburn, then one of the under secretaries of state, forwarded the following letter to Governor Le Mesurier, of Alderney, which defined the relative rank of the regulars and the militia :—

"Sir,—With respect to the relative rank of the regulars and the militia of the island, I am to acquaint you that Mr. Ryder fully enters into the objections which the militia entertain of the existing arrangements upon the subject, and has therefore lost no time in communicating to the commander-in-chief the statement contained in your letter ; and his royal highness is of opinion, that all future difficulty will be obviated, while no inconvenience can arise, from considering the militia officers, when required to act with troops of the line, as the youngest of the respective ranks, so that a regular officer will command all militia officers of the same rank, but that the superior rank of the militia will have the command of the inferior rank of the regular forces."

It may also be observed that the surgeons attached to the militia regiments, if they afterwards enter the regular service, are allowed to count their time from the date of their militia commission ; and that the commission of an officer of this insular force, serves as a passport to France.

Guernsey being left without any regular troops in 1719, the lieutenant-governor, *with the sanction of the royal court*, ordered the militia to perform in turn the duties of the others, both in Castle Cornet and in the island, which continued for about three months, when some invalids were sent from England to relieve them. In time of war the governor directs constant watchings round the island, as well as the reparation of batteries and forts, when he thinks they require it; but he has no right to order any *new* fortification to be erected, without first consulting the bailiff and jurats, and receiving the command or sanction of his majesty in council.

Notwithstanding the several prerogatives of the governor touching the insular militia, he cannot punish any of them for neglect of duty, disobedience, or any other fault, being expressly forbidden, by several orders in council, not to imprison any one. If a militiaman disobeys, his officers report him to the attorney-general, who brings him before the royal court, who then judge whether he is guilty or innocent, and act accordingly.

The states of the island cannot be duly assembled unless the governor is previously apprized of their intention. The reason of this is very evident. The states, composed of the magistrates, clergy, and constables, are presumed to represent all the inhabitants, and the governor, as representative of his majesty, has a right to be present, in case he should have any thing to communicate for the good of his majesty's service, or for the safety and improvement of the island, and thus give the whole meeting an opportunity to deliberate upon it; moreover, his attendance is also needed to see that nothing be done contrary to the royal prerogative. For similar reasons, the governor has a right to meet the court of chief pleas, which is held three times in every year, that the free tenants may do homage to the king, represented on

these occasions by the royal court, as also for the enactment of such ordinances as may be deemed expedient for the better government of the island.

It has been supposed that the governors, without distinction, were anciently at the charge of paying both the lieutenant-governor and the garrison; but this is an error, and it has arisen from not considering the different manner in which that post was occupied by different individuals. They who held it as lords of the island, either by *apanage* or in fee-farm from the crown, received all the public revenues, and consequently it was only just and reasonable that they should defray the official expenditure; but they who held the office merely as governors, representing the crown, and receiving a salary, could never have afforded to support the garrison. This distinction is too obvious to need further illustration.

By an Extent of the revenues of the crown in Guernsey and its dependencies, drawn up in the second year of the reign of King Edward the First, the annual income amounted to nine hundred livres tournois,—Guernsey being rated at seven hundred and sixty-five,—Sark, at eighty,—and Alderney, at fifty-five; and, under the reign of King Edward the Third, the governor's salary was computed at two hundred livres, four deniers at that time being equivalent to one penny sterling. The king also retained a constable to guard Castle Cornet, who, in time of war, received two sols per diem, and, in time of peace, only sixteen deniers. This appears by the following extract from the old record:—"De ministris et officiariis castri dominus rex habet ibidem et habere consuevit unum constabularium qui percipit per diem tempore pacis xvi. deniers tournois monetæ, unde quatuor valent unum Estling; et tempore metus guerræ duo sols tournois ejusdem monetæ." These words seem further to imply, that this constable was both appointed and paid by the king, and not by the governor.

Notwithstanding the preceding estimate of the salary of these officers, it cannot be regarded as a fixed and invariable sum, as it depended entirely on the king's pleasure to allow more or less to one or the other, according to their merit, or the esteem he might entertain for them, of which many examples might be adduced; and even when the governor nominated his own lieutenant, he no doubt made his own private bargain with him, as to the amount of his salary. Of course the price of provisions in those ancient times was very different from what it is now, as is proved by the *Extent* of Edward the Third just quoted. For example, a quarter of wheat was then valued at six sols; the rents in 1800 and 1812 were fixed as high as twenty-eight livres. A couple of fowls, which now cost on an average three shillings, are computed in the *Extent* to be worth one hundred eggs, and in those days one hundred eggs were worth a trifle more than sixteen sols. Now, as fourteen sols equal a modern penny, a couple of fowls could have been purchased at a fraction beyond that sum; from which we may infer, that a penny, in the reign of Edward the Third, would have purchased as much provision in Guernsey, as three shillings can command in 1840.

As the governors formerly resided in the island, there was but seldom any need of a lieutenant-governor, unless when he was obliged to be absent, in which case he appointed a deputy at his own expense. The governor most frequently dwelt in Castle Cornet, in which a spacious building was erected for his accommodation, but after the fatal accident that befel it, when Lord Hatton and his family were blown up (see page 111), they have had a residence on the main land. Since that period also, the governors have been non-residents, and the acting military chief has been the lieutenant-governor. But after non-residence was permitted, the governor still enjoyed all the king's prerogatives in the island and

its dependencies, and the office dwindled down into a mere sinecure. He enjoyed the rents, quit rents, tithes, and champarts, together with several other emoluments, such as the *poullage* and *treizième*; but he was obliged to allow a certain proportion of tithes to the rectors of parishes. The governor used formerly to provide a court-house for the administration of justice, and also a prison, in consideration of which he was entitled to all escheats, forfeitures, and fines. This aggregate revenue was collected by an officer, called the king's receiver, who farmed it for a stipulated sum, or received a salary.

A question has been started among many persons, whether the lieutenant-governor was in strictness bound to execute the orders of a governor who did not reside in the island. They who insist on the affirmative, maintain that the lieutenant-governor, being bound by his commission to obey his superiors, was consequently obliged to follow such directions as he might receive from the governor. Those who hold the negative, contend that a governor absent had no direct authority over a lieutenant-governor present, unless he was specially empowered by an order from his majesty in council, who is the only superior, as these parties affirm, implied by the wording of the commission. On this difference of opinion we offer the following remarks.

At the time when the lieutenant-governor was appointed and paid by the governor, he derived his whole authority from him, and acted merely as his agent, or, at most, as deputy-governor, and, when so circumstanced, no doubt he was obliged to follow the orders of his constituent; but when, at a subsequent date, the lieutenant-governor held his commission directly from the king, and received his salary from the exchequer, he became rather the king's lieutenant than the governor's, being vested with the same authority as the governor, and representing *virtute officii*

his majesty's person in the island, quite independently of the governor. The chief rule he had to observe was to fulfil the conditions of his oath of office, which made him personally and directly responsible to the king; and if he violated it, he could not plead the orders of the governor in his defence, the governor himself being subordinate to his majesty. The lieutenant-governor of the island is, in fact, upon the same footing and establishment as many local governors of forts and castles in England, and receives a salary direct from the crown. The governor, for a long time, was merely a sinecurist, pocketing the money of the islanders, without rendering any equivalent. The office was very properly abolished in 1835, the late General Sir William Keppel being the last who held it, and the net emoluments, worth to the governors, from £1,600 to £2,000 a-year, have since been given in part to the clergy of the Established Church, schools, increase of salary to the law officers of the crown, and recently as a retiring pension of £150 a year to the receiver-general.

It may be well to add, in concluding this chapter, that a militia aide-de-camp to the sovereign was first appointed by William the Fourth, Colonel John Guille, of St. George, being named by a commission, dated the 14th of September, 1830, "Aide-de-camp for the service of our militia in Guernsey."

CHAPTER VIII.

CONSTITUTION OF GUERNSEY.

SECTION THE FIRST.

ON THE LEGISLATIVE AUTHORITY.

THE legislative authority is vested in the sovereign in council, the imperial parliament, the states, and the court of chief pleas. The jurisdiction of each will be explained in the order in which they are enumerated.

Of the sovereign and royal prerogatives. To give an accurate view of this branch of our subject, it is necessary to trace back affairs to a remote period, and to observe that Guernsey was dependent on the province of Neustria, before the people called Normans had arrived from the north of Europe, carried their victorious arms in the heart of France, and compelled Charles the Simple to cede the authority of Neustria to Rollo, by the treaty of Clair sur l'Epte, when that chieftain assumed the style and title of the Duke of Normandy.

William the Conqueror, having subjugated England, added that country to his other dominions, and thus became king of England, duke of Normandy, and earl of Maine. Since his reign, except during a short period, when his eldest son Robert was duke of Normandy, and during the usurpation of Stephen, this island has always remained under the sceptre of the Kings of England, as successors to the conqueror, even when all continental Normandy, as contra-dis-

tinguished from insular Normandy, was seized by Philip Augustus, and alienated from the crown of King John. It is evident from these facts that the Kings of England became sovereigns of Guernsey, because William the Conqueror had subdued the former country, and united it to his Norman dominions under one common sceptre. But the island did not, in consequence of that arrangement, become dependent on England to the extent of being one of its provinces; it is not one of her conquests, and has never been formally by act of parliament, or even tacitly, annexed to it; it has always remained a remnant of those dominions which the Conqueror held in Normandy at the time he reduced England, and consequently it cannot be deemed part and parcel of that country, because Normandy never was an English province. It is not the efflux of time, or the limited territory of this island, that can change the nature of things. The principle must ever remain the same, and Guernsey continue to be a remnant of the ancient duchy of Normandy, distinct and detached from the kingdom of Great Britain and Ireland, though governed by the same sovereign, yet under different titles; for, in Guernsey, he is more properly duke, than king.

We have thought it right to enlarge on the constitutional independence of this island, because a false prejudice exists on the subject, many persons believing that Guernsey forms a component and integral part of England; whereas, by tracing up facts to their origin, it is plain that no other connection exists between them than what arises out of their being governed by the same sovereign.

Another cause of this error, is the fact of Guernsey-men carrying the English flag, from whence it is inferred that they became English; otherwise, it is affirmed, they ought to display a national ensign. But it is not without reason that they have discontinued

their own. After Philip Augustus had seized Normandy, they could no longer carry their national colours without wearing those of a province subjected to a foreign power, the enemy of their ancient dukes; therefore, it was much more reasonable in them to assume the flag of other subjects of their own sovereign, than any longer retain that adopted by his and their enemies. The subject has been still further misapprehended by Guernsey being dependent on the bishopric of Winchester, but it is not on that account incorporated with the diocese. After the loss of Normandy, this island remained, during more than three centuries, under the spiritual jurisdiction of the Bishop of Coutances, its original prelate. It was not separated from it before the reformation transferred its spiritual jurisdiction to the Bishop of Salisbury, and afterwards to the Bishop of Winchester. But this change did not make Guernsey any part of the state of England that was dependent on that diocese, any more than it made it part of the realm of France, during the period it remained under the bishopric of Coutances, after Normandy had been united to the French crown. The sovereignty still belonged to the Kings of England, as dukes of Normandy, and in the same form does it still belong to them, although the ecclesiastical discipline of the island depends on the jurisdiction of an English prelate.

With regard to the power of the sovereign in this island, it ought to be exercised according to the ancient laws of Normandy, to the same extent, and under the same limitations, as the dukes of that province were wont to exercise it over their subjects. If we refer to the charters granted by successive monarchs, we shall see that Guernsey is not only exempt from all subsidies and taxes, but that they guarantee to the island the privilege of free commerce with all known nations, who, as well as the inhabitants, have full liberty to import and export their merchandize,

without any hindrance and obstruction. Indeed, the power of the prince has its limitations here, as in England; there, it can do nothing against the laws of the land; here, he must conform himself to the customs of the island. The *Coutumier* of Normandy, which was not written till long after that province was subjected to the absolute power of the French kings, speaks very clearly concerning the duties of the prince. "The duke," it says, "is bound to govern them and defend them, by the laws and customs of the *Coutumier* of Normandy." The king, therefore, cannot deprive Guernseymen of their exemption from subsidies and taxes, nor of their free commerce.

The prince being the source and fountain of all jurisdiction, he may, as he has done, reserve to himself, in matters purely civil, the right of final decision by appeal. He may elucidate points of law which are obscure or doubtful, and give them an interpretation to serve as a future rule; but he cannot alter the constitution, abolish customs, or introduce a new system, without the consent of the inhabitants. Nor can he exercise any controul in criminal cases, except in three specially reserved, or in such other matters as, from the forms of the insular jurisdiction, have been entrusted to the final judgment of the bailiff and magistrates. He can do none of these acts without violating the constitution and subverting all established order.

The king, when he pleases, may depose the bailiff, or other officers within the jurisdiction nominated by him, because, in general, he only appoints them during pleasure. But he cannot select or cashier any of the jurats. The right of choosing them belongs to the people, a privilege enjoyed since the reign of King John. By the constitution, they can only be deposed for malversation; but the king may raise a jurat to the rank of bailiff.

When the Channel Islands were annexed to Normandy, an appeal from the local tribunals was permitted to the Exchequer of Rouen, whereat the duke presided. That power is now vested in the sovereign in council, who has ever possessed the supreme appellate jurisdiction and legislative authority. Strictly to limit the bounds of sovereignty is impossible ; still there are cases in which both the Dukes of Normandy and the Kings of England were bound to consult the wishes of their subjects, as expressed by their representatives. His majesty, therefore, is not possessed of absolute sovereign power ; the check on the prerogative, in most cases unlimited, is sanctioned by an order in council, which distinctly shows the opinion entertained by the lords of the council on the nature and extent of their own authority. An application was made by the country parishes of Guernsey to his majesty in council, in 1756, to alter the states' rate, which was, and still is, manifestly unjust ; and another prayer was added that, with a change of the rate, there should be a change in the representation, which also appeared reasonable. These reforms the states had not fully sanctioned, and the subject was referred, by order, to his majesty's attorney and solicitor-general, for their opinion, " Whether his majesty had the right to make an alteration in the representation of the states ? " The case was not carried further. But as the first lawyers in England belong to the council board, this order of reference proves that they entertained strong doubts on the subject ; and, in principle, it is pretty clear that such an alteration never could take place without the consent of the states.

The next, and perhaps the only additional case in which the power of the crown is limited, is in questions of raising money. All the ancient nations of Europe were exceedingly jealous of this privilege, and even the French "*ÉTATS*" could not impose taxes

without the consent of their constituents. In Guernsey, this power is possessed by the states, with the sanction of his majesty in council. The application of the established revenue is, or ought to be, solely vested in the states. The augmentation of it by additional taxation requires their vote, and his majesty's sanction.

THE IMPERIAL PARLIAMENT.—Every act of parliament in which Guernsey is *specially named*, when transmitted by the clerk of the privy council, has force of law—provided it does not extend to the levying of taxes on the inhabitants.

The island must be specially named. This is laid down as an axiom by Lord Coke ; and, in point of fact, upon his authority alone have acts of parliament, in which the island was thus named, been declared law. Yet the only case relied upon by this profound lawyer, for subjecting the island to the authority of parliament, whenever so named in an act, proves either nothing, or directly the reverse of his proposition. The act 33d. Hen. iv. c. 6., to which he refers, and upon which he relies, alludes to short guns, cross bows, and other weapons, which it prohibits to be used. Guernsey is nowhere mentioned in the enactment ; but at the conclusion there is a proviso, *that nothing therein contained shall extend to Guernsey or Jersey.* Yet upon this bare *dictum* has every English lawyer relied, from Sir John Trevor downwards, in the teeth both of principle and of opposite authorities, when contending for the right of parliament to legislate for these islands. The point, however, has been so often debated during the last forty years, and the royal court has, in so many instances, adopted and enforced the provisions of acts of parliament in which the island happened to be named, that to contest it again would be the height of obstinacy.

The following extract from the minute of the lords of the committee of council for the affairs of Guernsey

and Jersey, dated the 28th of April, 1806, is the most recent decision on this subject, excepting one :—

"The committee think it proper to state to your majesty, that the question,—whether the registration of an act of parliament, wherein the islands of Guernsey and Jersey are expressly named, be necessary to make such an act obligatory in the said islands, appears to have arisen in 1698, upon a representation made at that time from the island of Jersey to her majesty in council, praying a suspension of the act of navigation, passed in the twelfth year of the reign of King Charles the Second; and the question having been referred to Sir John Trevor, at that time his majesty's attorney-general, he reported his opinion to be,—That the registering any act of parliament made in England, wherein the island of Jersey is expressly named, is not necessary, in point of law, to make it obligatory there; and such registry is only for the convenience of the islanders, that they may have notice of what acts are made in England to bind them.

"And the lords of the committee for the affairs of Guernsey and Jersey, at that time having concurred in the same opinion of his majesty's attorney-general, it was ordered by the lords justices that the same should be transmitted to the bailiff and jurats, that they might govern themselves accordingly. Upon the whole, their lordships are of opinion that, as the act in question (the smuggling act) is binding by its own force, and there exists no power to suspend its execution, either in the whole or in part, the delay in registering it can have no other effect than to deprive the inhabitants of Guernsey of that usual notification of its provisions, which was meant to be given to them by the registration directed by your majesty's order in council of the 15th of August last; and that, if any inconvenience should arise from the want of such registration, the same will be imputable to the non-compliance of the royal court with your majesty's said order. Their lordships are, however, persuaded that none of the members of the court can have any wish to produce such inconvenience, but that they have acted under an erroneous supposition that it was competent to your majesty to suspend the execution of some part of the said act while it remained unregistered. Although, therefore, the registration of the act be not necessary to give it a binding effect within the island of Guernsey, yet as it may be desirable that such registration should be made in the usual manner, their lordships submit that it may be advisable for your majesty peremptorily to direct the royal court forthwith to proceed to carry into execution your majesty's said order in council."

The last determination on this point is dated 24th of November, 1821, and is contained in a letter from Mr. Under-Secretary Hobhouse to Sir John Colborne, lieutenant-governor of Guernsey, now Lord Seaton, from which the following is an extract :—

"By a minute of the lords of the committee, dated 28th of April, 1806, it appears to have been the opinion of the law officers of the crown, and to have been ruled by the court of exchequer, that his majesty's subjects in the islands of Guernsey and Jersey and Alderney are bound to take notice of every act of the British parliament, although no registration thereof shall have taken place. The act, therefore, transmitted in my letter of the 19th of September (the act alluded to the corn bill), with the order in council, directing it to be registered, must be considered as binding as if it had actually been registered, and there exists no power in this country to suspend the operation of the act. Under these circumstances Lord Sidmouth desires that you will communicate the enclosed extract of the above-mentioned minute to the bailiff and jurats of the royal court, and recommend them to register the act immediately without waiting for a peremptory order in council, which, according to what was done in 1806, his majesty would probably be advised to issue."

Every act of parliament affecting the island must be transmitted. In point of fact, no act of parliament has ever been enforced, unless it had been transmitted. An attempt was made in 1823, but it failed.* Guernsey being unrepresented in parliament, no other rule could in fairness be adopted. Acts, in which the island was named, have remained unknown to the people for more than a century.† In point of law, this question was set at rest by the following orders in council.—Firstly, an order, dated the 1st of May, 1698, transmitting the act 12 Charles 2nd, c. 23. 24., which states, that their lordships' understanding the above-named act was not then observed, they had sent it to the court, desiring that it might be registered and enforced for the future.—Secondly, an order in council, dated the 1st of July, 1731, by which it is directed that all acts relating to Guernsey shall henceforth be transmitted by the clerk of the council for registry.—And, lastly, the Jersey code, sanctioned by council, which states that "all letters and warrants shall be transmitted and registered before they are executed; but that all acts of parliament, relative to Jersey, shall be transmitted for registry." The *transmission* of an act of parliament, therefore, alone suffices, whilst for "letters or warrants," the *transmission* and *registry* are required. This is the distinction. An order or letter of council, the court may suspend the registration of, or remonstrate against it. This has been repeatedly done, and the local authorities have invariably been heard, and have sometimes obtained redress; whereas an act of parliament must be immediately executed when sent. To suspend the registry, and remonstrate against it to council, would be ridiculous, since the council could not afford redress, even were it so disposed. Petitions of this description, therefore, have been usually rejected. After,

* The king v. Rogerie, June, 1823.

† East India Trade Act, passed in 1721, and transmitted in 1823.

indeed, an act has been duly registered and executed, the local authorities may complain of its provisions and enactments, and obtain the assistance of council in getting it repealed; but, in the *interim*, it must be registered and executed.

Provided it does not extend to the levying of taxes on the island. To dispute this condition, would be to revive the American question of taxation without representation, with this difference in favour of Guernsey,—that its rights flow from a source wholly different from those of the British colonies. The privileges of the Norman isles were neither granted after conquest, nor to promote colonization. Their charters are neither acts of grace or pardon, nor boons of encouragement. They have not, of course, the extent or strength of the ancient duchy of Normandy, but they possess, and are certainly entitled to possess, all its rights. The principle of *virtual* representation can, therefore, no more extend to them than it could to Scotland before the union, and much less than to Ireland, which was a conquest. To tax the islands, therefore, without their consent, would be an abuse of power without the colour of right—an act of pure despotism. Indeed, Guernsey, when united to Normandy, was exempted from the payment of any aid, tallage, or other taxation, by virtue of the special treaty, called "*aide du roi*." Only, then, upon the principle of protecting the general rights of the empire, can the power of parliament be exercised in any case, with regard to the Norman isles. The whole of the king's dominions are united by the same interests; the strength of one part may be the salvation of the whole. It can never, therefore, be the intention, still less the duty of one portion of the empire to injure the other. If, therefore, any trade or commerce is carried on in the smaller state which is prejudicial to the greater, the insular legislature is bound to suppress it; and if it refuse to do so, it becomes necessary

for the sovereign power of the parent state to interfere. For this reason has the British parliament included these islands in all acts passed for the protection of the revenue, as well as in all navigation laws. Of this the islanders have no right to complain; for, participating in the advantages of British shipping, they cannot, in fairness, find fault if they are subjected to its rules. Beyond this, parliament itself has not exercised any power; but it is by no means so clear that the royal court of Guernsey has not, in wishing to carry into effect the principles of acts of parliament, adopted without necessity, and followed to the letter, many clauses which were only intended to apply to the mother country.

An attempt was made by Berry, to prove from Riley, that parliament, from time immemorial, had interfered in insular affairs. But Riley, or rather Berry for him, evidently confounded the council, in which Norman as well as English barons sat, with the exclusive parliaments of England. The cases in which Guernsey is mentioned by Riley will alone prove this error. The first is the 33d of Edward the First, on the order of receiving petitions. "It was ordered by the king, that Sir G. De Boubry, and others, should receive the petitions of all who wished to deliver petitions, in the *parliament* at Westminster." This was proclaimed at Westminster, Guildhall, and Westcheap. "Then the king appointed Sir Wm. Inge, and others, to receive all petitions from Scotland. Then he assigned the Bishop of Chester, and others, to receive all that came from the people of Gascony, which can be answered without the king; and lastly, he assigned Sir John of Berwick, and others, to receive all the petitions from Ireland and *the isle of Guernsey*, and to answer all those that can be answered without the king. And all the petitions relative to the said islands of Scotland, Gascony, Ireland, and Guernsey, as aforesaid, were delivered to those pointed out by the above."

This document, instead of proving any thing against the island, is clearly and pointedly in its favour. The petitions from England are first mentioned,—proclamation is duly made to them,—they are made to *parliament* and left to its decision. Then the petitions from Scotland, Gascony, Ireland, and Guernsey, being all classed together, *as not subject to parliament*, are received by a committee who are directed to answer them, except in such cases as the king reserves, not for *parliament*, but for *himself*. The recipients consequently were only a committee of the king's own council for the affairs of Guernsey, Scotland, Gascony, and Ireland, similar to the present committees of council for the affairs of Guernsey, Jersey, and the colonies.

The next document referred to, is a return from council, 23d of Edward the First, containing a complaint for wines seized, and also several applications for livings, and others for services ; and, among others, an order made, upon complaint of several inhabitants, by which the lieutenant-governor and bailiff are directed to appear in person before the king, in his next parliament, to answer these complaints, and receive judgment of THE COURT. The heading of these complaints is—"A brief of the petitions of the men of Guernsey and Jersey,—return from the COUNCIL in autumn of the 23d of the king." How any dispassionate inquirer could dream of inferring from these facts any parliamentary authority, it would be difficult to conceive. Several inhabitants apply to council, some for favours, others with complaints. Part of these applications are disposed of at once—the rest are referred to the next period when the court of council will meet, (which was invariably at the time of holding the parliaments) and it is ordered they shall there await the judgment—of whom ? Of parliament ? No—but of the king's court—that is to say, of the privy council. If any doubt could be en-

tertaind upon the interpretation of the words, "in our next parliament," it would be elucidated by another case, also recorded by Riley:—"Alicia de la Chapelle, of the island of Guernsey, prayed grace and pardon of the king's mercy, for having stolen thirty-five sheaves of wheat, being the king's champart, for which she took sanctuary, and afterwards abjured." The answer on the back is, "Let her have mercy. Let the bailiff certify the manner and cause, and if it be as stated, the king grants her petition." Then follows the order to the bailiff "to certify clearly and distinctly that we may be assured thereof in *our next parliament*, to be held at Westminster, at Michaelmas. Witness myself, &c." And under this are the words—"By petition *from council*." It cannot be here intended that parliament should grant the pardon, for it is granted already. Parliament is merely mentioned to point out the period, "at the time of holding the next parliament;" as in the complaint of the dean for interference in ecclesiastical matters, which precedes the foregoing by a few lines, where the same words are found. The king conferred advowsons, tried criminals, and granted pardons. These were his prerogatives independently of the authority of parliament. But it was necessary to fix a time within which, in cases of doubt, he was to be answered, and this was the time when all public business was transacted—"the time of holding parliaments." The examination of the cases cited by Riley, therefore, not only disproves the affirmative, but settles the point of the non-interference of parliament; it establishes, from the remotest period, the authority of council. This brings us to the second legislative authority.

THE KING IN COUNCIL.—His majesty in council, as above stated, has ever possessed the supreme appellate jurisdiction and legislative power over the Channel Islands. The authority, exercised by the dukes of Normandy, is vested in the king of England.

Strictly to limit the bounds of sovereignty, is impossible. Still, however, there are cases of exception in which both the Dukes of Normandy and the Kings of England were bound to consult the will of their subjects, as expressed by their representatives. His majesty is not, therefore, possessed of that absolute sovereign power, in the sense of the law of England, as vested in the three estates of the realm. This check upon the prerogative, in most cases unlimited, is sanctioned by an order in council, which distinctly shows the opinion entertained by the lords of council respecting their own authority. An application was made by the country parishes of Guernsey to his majesty in council, in 1756, to alter the states rate, which was, and still is, manifestly unjust; and another prayer was added that, with a change in the rate, there should be a change in the representation, which also appeared reasonable. This the states had not fully sanctioned, and it was referred by order to his majesty's attorney and solicitor-general, for their opinion, "Whether his majesty had the right to make an alteration in the representation of the states?" The case was not carried further; but as the first lawyers of England belong to the council board, this order of reference proves that they entertained strong doubts on the subject, and, in principle, it is pretty clear that such an alteration could never take place without the consent of the states.

The next, and perhaps the only additional case in which the power of the crown is limited, is in questions which relate to the levying of money. All the ancient nations of Europe were exceedingly jealous of this privilege, and even the French *états* could not impose taxes without the consent of their constituents. In Guernsey, this power is possessed by the states, with the sanction of his majesty in council. The application of the revenue is, or ought to be, vested in the states. The increase of it by additional taxation

requires their vote, and the royal sanction. This brings us to the third legislative power.

THE STATES.—The states are of two kinds, the *administrative states* and the *elective states*.

The administrative states are composed of—

The bailiff and twelve jurats.....	13
Rectors of parishes.....	8
The king's attorney-general.....	1
One constable from each parish.....	10
Total number of members.....	32

This body, which is properly a general council of the island, wherein every inhabitant is supposed to be represented, and which is, or ought to be, the sole legislative authority within the island, cannot, in its present state, be traced further back than 1605, when the inhabitants petitioned King James the First to "re-establish the ancient states of the isle."* That a similar body had previously existed, is apparent from the language of the order. It is by no means improbable that the royal court had for some time gradually made encroachments on the liberties of the people, aiming at what their successors have accomplished,—almost a monopoly of power.

The states are convened by a written or printed notice of convocation, called a *billet d'état*, issued by the bailiff and communicated to each of the members, usually about a week before the time of meeting, though on some occasions this period is extended. This notice not only lays down in the most explicit and literal terms the subjects of deliberation, and the very propositions to be decided, but general remarks and arguments by the bailiff, who, of course, advocates and enforces his own particular views. With him every proposition originates, and no amendments can be proposed; the members of the states are thus

* "Furthermore, where it is desired that the auncient use and authoritie of assembling the states of this island for ordering the principal affairs thereof maye be re-established. This request seemeth reasonable and according to the auncient custome of the said isle thought meete to be granted."—Order in Council, 9th June, 1605.

bound totally to adopt or totally to reject whatever emanates from his initiative. The more effectually to stifle the public voice, the constables do not give their own personal vote, but that of their respective douzaines, or parochial committees, who meet in their own parishes, and there resolve on the course of conduct to be pursued. This absurd custom strips the states of the character of a deliberative assembly, for though new facts may be stated and arguments brought forward which convince the constables that their douzaines have come to an erroneous conclusion, they are bound to record the vote they have given. Under such a system, eloquence and reason would be useless; hence it follows that not the slightest approach to oratory is ever detected in the senate of Guernsey. Many of the speeches are written out, and if a reply or a rejoinder is attempted, it is in the lowest degree colloquial.

This system is, by the admirers of things as they are, regarded as unobjectionable, at least most convenient. The states are no longer a check upon the court. Convened at the will of the president,—tied down to the subjects he has submitted to their decision—compelled simply to adopt or reject his propositions,—and so constituted that the royal court and rectors, who are neither representative nor responsible members, have twenty-two out of thirty-two votes, they have, as might be expected, become of little use but to nod approbation of the conduct of their committees, to congratulate princes on the occurrence of happy events, to condole with them in misfortunes, and to present, on fitting occasions, loyal addresses to the throne.

It is, virtually at least, admitted that the states have not the right to pass ordinances for general purposes,—that they can neither regulate the police, nor make general laws. This principle is indeed carried to so absurd an extreme, even in questions of

revenue, that although the states may vote a tax or impose a duty, yet they cannot enforce their own vote, but are compelled to apply to the royal court,—to a section of their own body,—for an ordinance to regulate the mode of levying the tax or raising the duty. Their functions are nearly limited to the voting of public money; for even the superintendence of public works is generally entrusted to jurats of the royal court,—the majority of the states' committees being almost invariably composed of those gentlemen.

That the states, in ancient times, were not so absurdly limited in their powers as they are at the present date, is certain; and on examining their proceedings, as extracted from the records of their deliberations, the gradual encroachment on their rights will appear evident. The states were established for "ordering the principal affairs of the isle,"* and for many years they did order them. They possessed the supreme legislative power within the isle,†—they received petitions and decided upon them,‡—altered the rate of contributions in the parishes,§—limited the importation and exportation of corn,||—reinstated jurats who had been suspended by their colleagues,¶—taxed the fees of the court,**—and, on one occasion, went so far as to order its sitting to be suspended for a specified period. They entertained and discussed questions of privilege, submitted new propositions, debated and determined them, and decided police complaints. The constables were as free as the other members of the states, consulting their constituents only at pleasure. That they were not constrained, as at present, appears from the wording of the old oath:

"Item, with regard to the duties expected from you at the meeting of the said states, you promise that you will diligently assist thereat, whenever summoned so to

* Order in council, 1605.

† The court in chief pleas continued to make bye laws or ordinances.

‡ 7th of October, 1644.

§ 15th of February, 1607.

|| 22d of October, 1608. 10th of January, 1739. 16th of May, 1739. 23d December, 1740.

¶ 14th of November, 1654.

** 20th of February, 1607.

fully and conscientiously give *your counsel, opinion, and* [illegible] [illegible] to you, without respect of persons or partiality, [illegible] glory of God, the honour of your prince, and the [illegible] this state."

softened down to—

as a member of the states, you will diligently assist at their [illegible] summoned to do so, giving your own counsel and advice, *and* [illegible] of your parish, the whole faithfully, &c."

shows pretty clearly, that although a constable [illegible] be free in giving *his own counsel and advice*, yet [illegible] is constrained as to his *vote*, which must be in fact that of his parish,—that of persons who may have discussed the whole matter in the dark.

Having shown the extent of power exercised by the states, we proceed to trace the steps by which they have arrived at their present condition.

The first step was taken by the commissioners sent over by King James, who, no doubt undesignedly, and without duly weighing the effects of their regulations, strengthened the hands of the royal court, the only rival power of the states. The states, when these commissioners visited the islands, had only been re-established two years. There naturally arose many disputes about voting and representation. Among the petitions of St. Peter-Port, "for the general good of the isle," was one by which the inhabitants of that parish prayed "that an order be made for the formal composition of the three general estates of the isle,—defining the number of persons, their calling and quality, the manner of their election and admission into that body, and what shall be the authority of the said company in general." The answer to this was as follows:—"Upon conference with the *bailiff* and *justices*, we find no such difficulty in the ordering and comparing of all the estates of the isle; but that the *bailiff* and *jurats*, according to their ancient customs, may order the same as shall be needful. And, therefore, we refer the contents of this article to their discretion." The consequence has been,—

whether a legitimate or necessary one may admit of doubt,—that all questions of privilege, or that relate to internal arrangements, for example, whether a member has incurred a fine for non-attendance, and others more important, are decided by the court alone,—by a fraction of the administrative body,—in presence of the remaining members, who have no vote in the matters thus incidentally brought under consideration.

The next cause of the decline of this legislative assembly was the inability of some of the parishes to send competent persons as constables to represent them in the states, which circumstance is thus complained of in the article just quoted :—

“Whereas, also, the persons which stand for the commons in that assembly have been, since the restoring of the said states, within these three years, as of necessity taken equally out of every parish in the isle, whereby it has come to pass that most of them have been, and are yet, altogether unfit, many parishes not being able to afford others,—the insufficiency of which persons may turn to the extreme hurt of the whole isle. Their humble request is, that hereafter the persons who shall be appointed for the third estate or commons, be chosen indifferently upon all the isle of the most sufficient, without respect of their dwelling, in the same manner as the jurats shall be chosen.”

In 1605, the court had ordered each parish to name two deputies as *connétables d'état*, constables specially named to attend the states meetings, and apparently appointed for no other purpose. Several parishes being unable to find, within their own limits, fit persons to hold so important a situation, the inconvenience was complained of by the inhabitants of St. Peter-Port, who prayed that these parish representatives might be chosen indifferently from all the island without respect to residence. This, however, being submitted to the court was rejected. Some time afterwards the *connétables d'état* were at their own request discharged, and it does not appear the office was ever revived. The ordinary constables became the parochial representatives, and that one of them might be capable of discharging this important duty, the senior douzenier, or senior member of the permanent parish committee, called “the douzaine,” was,

for a number of years, usually appointed one of the constables. This officer, on extraordinary occasions, naturally required the opinions of his colleagues, the other douzeniers; and, sometimes, the debates at the states meetings were postponed, that some of them might be in attendance to give their advice. This practice having once gained ground, it became customary for them all to attend the meetings of the states. Usage soon became a law, and they were at length fined for non-attendance.* The inconvenience and confusion arising from bringing one hundred and fifty-two persons to give counsel at an assembly where ten only could vote, may be well conceived. To remedy this, it became necessary to fix stated days of meetings, and on emergencies to give notice of the subject about to be brought under discussion. The states, accordingly, in the year 1646, during the rebellion—at a time when the island was torn by faction, and when, in consequence, emergencies frequently occurred—decided that they should meet at stated periods, and that they should be convened by a *billet*, or summons, from the chief magistrate.† Here is evidently the origin of the present system. The douzaines, being previously informed of the subject of discussion, could easily advise with their constables, and were thus saved the trouble of personal attendance,—whilst the constable, knowing the general sentiments of his douzaine, was still at liberty to act upon his own responsibility. It accordingly happened that, from this period, the douzeniers seldom, if ever, attended. But the chief magistrate, being also at liberty to convene the states upon any given subject, it soon followed that the deliberations could not extend beyond the propositions he pleased to submit; and the court, who met at all periods, and had always possessed the power of making laws at their chief pleas meetings, soon assumed the whole

* 22d of January, 1644.

† States meeting, 2d of January, 1646.

legislative authority. Still, however, the states moved amendments, received protests, and adjourned their meetings. The power, or rather the practice, of exercising these privileges was, however, gradually lost, and the states became, what they are at the present day, a mere phantom of power.

The meetings of the states are open, though they were originally held within closed doors. That secrecy was binding on the members is evident from the following words in the oath administered to the constables :—

"As to your particular duty in the capacity of a member of the states, into which you are received and admitted, you will be diligent in your attendance, keeping secret all matters therein discussed, till, by general consent, they are permitted to be disclosed."

Although the practice of holding closed meetings has long ceased, it would appear, from the fact of the oath remaining unaltered to this day, as well as from the absence of any record authorising a change, that the meetings of the Guernsey states are open rather by sufferance than by right.

There is no political institution more absurd, unjust, and defective than the administrative states of Guernsey. St. Peter-Port, possessing two-thirds of the population and three-fourths of the wealth of the island, has only one vote, and is placed on an equality with the insignificant parish of Torteval. Even that solitary vote may be neutralised by that of the rector, who is one of the irresponsible members. This system requires a deep and searching reform; the oligarchical character must be annihilated, and the states extensively popularised. The best interests of the island have been sacrificed by the concentration of legislative power in the hands of the court and clergy, whose union drowns the general voice. Guernsey-men profess themselves lovers of liberty; but the majority seem enamoured rather of its shadow than its substance.

The elective states, or rather the electoral body, are composed of—

The bailiff and twelve jurats of the royal court	13
Rectors of parishes	8
The king's attorney-general	1
Two constables from each of the ten parishes	20
Twenty douzeniers from St. Peter-Port	20
Sixteen do. from the Vale parish	16
Twelve from each of the remaining parishes	96
Total number of members	174

This body is assembled only to elect jurats and the king's sheriff. The elective states were reduced to their present form at the commencement of the seventeenth century. Previously to that time, the jurats and the king's sheriff were elected by all persons paying rates, the constables of each parish collecting their votes at the church door at the close of divine service, on the Sunday appointed for the election. An inspection of the public records shows that jurats were thus elected in the years 1553, 1564, 1573, and 1578.

According to what are called, in these islands, the *constitutions* of King John, or the deed under which the royal courts of Guernsey and Jersey were constituted, these elections were to be made "*per ministros domini regis et optimates patriæ*," by the king's servants and the heads of the people. This vague definition, which was generally interpreted to mean the members of the court, and all persons assessed to the public rates, produced numberless disputes, and upon the application of the parish of St. Peter-Port to the royal commissioners sent hither by King James for one-third of the votes in proportion to their assessments, it was ordered that all elections of jurats and of the sheriff should be made by the bailiff, jurats, constables, and douzeniers.* Not a word is said in the order respecting the rectors, but from the great similarity of the elective body to what the adminis-

* Report of Commissioners, 1607.

The royal court, as already stated, did not anciently possess or exercise, as they do at present, the sole legislative power at the chief pleas. The chief pleas, as it will presently appear, were, in point of fact, the states of the island.

When Guernsey was a dependency of Normandy, each fief had its court; and once a year a general court appears to have been held by the bailiff and four knights, two of whom, with the bailiff, resided in the island, the others coming from Normandy. The place of meeting was in the Vale parish, at a place then, and still, called "*Les Landes du Marché*," where the public market was held, and afterwards at St. Anne's, near the King's Mills, in the parish of St. Mary de Castro. At these assizes, the ancient laws were proclaimed, and new regulations made in presence, and by the advice, of the military and other tenants. These regulations had force of law as soon as enacted, but political ordinances of importance were regarded only as provisional until they had received the assent of the duke.

After the separation of the islands from the duchy of Normandy, King John is said to have appointed twelve jurats to replace the knights. They, with the bailiff, the tenants *in capite*, and other principal inhabitants representing the community, continued to hold pleas and pass provisional ordinances three times a year. An abstract from the Tally-office, formerly in the possession of Mr. Thomas Le Marchant, giving an account of a court of chief pleas, held in Guernsey, in the twenty-fifth year of Edward the First, names the following members as composing it:—The governor, the bailiff, the magistrates (now called jurats), the prévôt or sheriff, the sergeant, the bordiers, the free tenants, and a great number of other persons styled *jurati*,* taken from the various parishes, of

* These Mr. Le Marchant supposed to have represented the douzaines, who probably may have been little more than a permanent grand jury.

whom two from each parish were styled jurats electors. Here are evidently the *ministri domini regis*, or servants of the king, and secondly, the *optimates patriæ*, or heads of the people, mentioned in the constitutions of King John as authorized to elect the magistrates. Here too are the "auntient three estates of the isle for ordering the principal affairs thereof," which it was the intention of King James to re-establish.

The persons convened at the present meetings of the chief pleas are the bailiff, the governor, the jurats, the crown officers, the tenants *in capite* or lords of fiefs, the bordiers, the constables of the various parishes, and the advocates.* Of these the bailiff and jurats now alone exercise the power of making ordinances. The governor, for whom the sheriff is always sent by the court, but who does not attend, has a deliberative voice, but no vote. The king's attorney or solicitor-general submits the matters to be taken into consideration. The constables and advocates attend merely, it is supposed, that they may be informed of such changes as may be made in the laws.

The representatives of the spiritual and temporal lords, though pompously proclaimed at every sitting, as, for instance, the bishop of Winchester (who stands in the place of the abbot of Coutances), the abbot of Mount St. Michael, the abbot of Blanchelande, the abbot of St. Geoffrey's cross, the lord of Anneville, of Saumarez and others, who also sat, as originally in England, by virtue of their tenures,—these, as well as the *bordiers*, one of whom rejoices in the singular cognomen of Fantôme, or Phantom, (which would admirably apply to the whole body of lords and bordiers,) attend apparently for no earthly purpose whatever, unless it be for affording—like the *ghosts* or *phantoms* of things that once were—a perpetual memorial of the constitution of the ancient *states*, now merged into the court of chief pleas. At what time

* Ordinance of April, 1619.

the bailiff and jurats obtained, or assumed, the whole authority, does not appear, but they have succeeded in rivalling the omnivorous capacity of Aaron's rod. The *jurati*, or douzeniers, had ceased to attend before the records, which are extant, commenced. The governor's authority continued much longer. Old ordinances are frequently stated to have been passed "du consentement du capitaine;"* and one of them, for the punishment of blasphemy, says, "du consentement du capitaine et assent du doyen,"—thus pointing out that, in some cases, the governor's sanction was essential, and that, in others, the assent of the dean was required.

The "*Approbation des Lois*," confirmed by Queen Elizabeth in 1583, about twenty years before the states were re-established on their present constitution, has the following remark:—"We are not accustomed in these islands to have three sorts of estates; but all political affairs are regulated by the advice of the governor, bailiff, and jurats of the royal court, after having, through the constables, ascertained the wishes of the generality of the people." From this it would appear that the court, by whom the "*Approbation des Lois*" was compiled, already claimed the right of exercising, along with the governor, the whole legislative power,—that they had in some way contrived to get rid of the clergy and douzeniers,—and that they denied to the constables—to the representatives of the people—all other right except that of a deliberative voice. This usurpation, coupled with the denial of the existence of *three estates*, of magistrates, clergy, and douzeniers, was, some time afterwards, severely commented upon by the Rev. Thomas Le Marchant, in his "*Remarques et Animadversions sur l'Approbation des Lois*," a work we have already cited at page 88. The stringent remarks of the author on this subject being worthy of a wider circulation than they are

* The governor was then styled "Le capitaine."

likely to obtain when confined to his work, are here subjoined:—

“By the ancient and modern constitution of the duchy of Normandy, of which this island formerly was a part, and by that of the kingdom of England, to which the said island is now rather annexed than incorporated; and by the difference and real distinction observable in this island between the three estates of persons, to wit, the magistrates, the clergy, and the people, it is notorious that there are, and in fact have been from remote antiquity, persons of the three estates, in this island, although the authors of the ‘*Approbation*,’ seem to be ignorant of the fact, and openly deny it. This also manifestly appears in the Extent and Precept of Assize, when questions arose of sufficient importance to affect the police of the island, the rights of the prince and the functions of the magistrates, which were inquired into and reported upon by the notables of the people, with the consent and in the presence of the magistrates and the clergy. Moreover, notwithstanding what is said in the ‘*Approbation*,’ remarkable traces still remain in the election of jurors and of the king’s sheriff by the members of the three said estates, which are public matter, and of more consequence than any other. But these authors of the ‘*Approbation*,’ having rejected the two other estates, have acquired a perpetual dictatorship, by which they invade our privileges as they will, dispose of the public funds, and impose taxes on the inhabitants at their caprice. As to the consent of the people through their constables, it is the shadow without the body of the ancient power of those said estates, the court at present regulating all affairs of high moment, the constables not daring to offer any opposition, so that they frequently acquiesce in measures of which the generality of the people have only heard. Besides, when the said constables are summoned to give their advice on such political affairs, they are seldom made acquainted with the subject to be discussed, so that they are unable to gather the opinions of their parishes, and then declare them to the court; and if they do indirectly become acquainted with the topics about to be taken into consideration at those assemblies, which are still called (but through an abuse of language) *the states*, and convene their respective parishes, to ascertain the wishes of the generality of the people, the said bailiff and jurors would call such conduct *sedition and popular tumult*; nevertheless, it is impossible otherwise to give correct information to the magistrates.”

It will further appear by the following extract from this shrewd writer, that, according to the ancient constitution of the states, all questions relating to the imposition and distribution of public burthens, should be determined by the representatives of the people alone, and not by the court and clergy:—

“There is also a remarkable fact contained in the seventh article of this chapter, (the seventh chapter, book second, of Terrien’s Commentary on the Customs of Normandy,) which declares that in such assemblies of the states (wherein the ‘*Approbation*’ pretends that the *power* of the governor and the court, with the *opinion* of the constables, in the name of the parishes, has been substituted) when public affairs and particularly the raising of money were discussed, it was necessary that the third estate (that is to say those who spoke for the people) should give their consent as to the proportion which each should bear, without the remainder of the assembly, even if more numerous than the others, being allowed to determine any thing in this respect,—which rule is not observed in the meetings of the said governors, bailiff, jurors, and constables.”

The clergy and douzeniers having thus been ousted from the chief pleas meeting, and the constables, who

alone remained, having been restricted to the exercise of a mere deliberative voice, which they had to give without being allowed to consult the inhabitants, the pretence of wishing to ascertain the *vouloir de la généralité* became an absolute farce, and being at last deemed quite unnecessary, the constables themselves, as might have been expected, were dropped as an useless appendage, and the bailiff, governor, and jurats henceforward assumed and exercised the sole legislative power in the court of chief pleas. The ancient spiritual and lay lords were probably retained merely to render homage to the crown, or give the meeting the appearance of a representative body; but the constables never returned until so recently as 1802, when the court issued an ordinance requiring their attendance, merely that they might be informed of such changes as were introduced into the laws.

The states, as now constituted, appear, as already observed, to have been re-established under King James. From that period, therefore, until now, the island has exhibited the singular anomaly of possessing two legislative bodies—the states and the court of chief pleas—acting independently of each other; the smaller one, however, though neither a representative nor a responsible body,—though constituting one of the three sections of the larger one, and though discharging judicial functions the most multifarious and diversified, yet exercising by far the greater share of authority.

In April, 1824, the royal court, in chief pleas assembled, passed an ordinance to prohibit the introduction of French cows into Guernsey, subjecting them to confiscation when imported, and the importer to a penalty of one hundred livres tournois (£7 2s. 10d.) for each. The importation of French bulls was prohibited by a previous ordinance, and as the legality of both has lately been questioned, we shall bestow a few remarks on the subject.

In 1766 the lords of council gave it as their opinion "that the royal court had the right to make ordinances to regulate the exportation and importation of provisions" (see page 149); yet it may reasonably be doubted whether the word *regulate* extends to *prohibit*, and whether live cattle, which may never be intended to be slaughtered in the island, but brought to it for re-shipment, can be classed under the word *provisions*. In the latter case, corn and flour, sheep and pigs, sugar and coffee, and wine and spirits fall under the same denomination, and their free importation is liable at any time to be prohibited, or, in other words, the royal court, immoveable by, or irresponsible to, the inhabitants, may controul the chief part of the foreign commerce of the island. Precedents certainly exist to warrant the royal court in passing this ordinance, but such ordinances were never submitted to the decision of council, whose *opinion* only has been given. Moreover, precedents without number might equally be cited to justify the continuance of the torch and the faggot—the infliction of torture,* and the punishment of sorcery and witchcraft, even unto death. But surely the present upright and estimable magistrates composing the court of chief pleas ought to be ashamed to follow precedents, not only despotic and unconstitutional, but established in times so unenlightened and barbarous.

In 1737 the royal court assured council that they never pretended to be vested with the power and authority of making laws, which was what neither they nor their predecessors had ever assumed, but that they deemed themselves authorised and empowered

* See page 88. Warburton, whose treatise was drawn up in 1682, says—"By the law approved, (Terrien, Lib. xii. cap. 37.) torture is to be used, though not upon slight presumption, yet where the presumptive proof is strong, and much more when the proof is positive, and there wants only the confession of the party accused. Yet this practice of torturing does not appear to have been used in the island *for some ages*, except in the case of witches, when it was too frequently applied, near a century since. The custom then was, when any person was supposed guilty of sorcery or witchcraft, they carried them to a place in the town, called *La Tour de Beuregard*, and there, tying their hands behind them by the two thumbs, drew them to a certain height with an engine made for that purpose, by which means sometimes their shoulders were turned round, and sometimes their thumbs torn off; but this *vain* of witches has for some years been laid aside."

to make such regulations as were necessary for enforcing and putting in due execution the laws of this island (see page 197). The prohibition to import French bulls and cows is, we conceive, clearly a law, and not a regulation to enforce a law which previously had no existence. There is no doubt that the interdict on French cows raises the price of beef nearly ten per cent., and that the town of St. Peter-Port pays annually nearly £2,000 more for its meat than it otherwise would do. Thus, the court may tax the inhabitants without their consent, although the states cannot do so without the sanction of council. When the court ruled, in 1809, that the proprietors of wheat rents might exact wheat of island growth in payment, it would be ridiculous to admit, when its decision was reversed by council, that the court could have attained its end by immediately prohibiting the importation of foreign wheat.

The ostensible motives which induced the ordinances we are animadverting upon were, it appears,—1st. To preserve the purity and good qualities of Guernsey horned cattle. 2d. To quiet the fears of the English agricultural interests, by preventing the possibility of French bulls and cows being introduced into England under the name of Guernsey cattle. But good judges are of opinion that the island cattle would be materially improved by an occasional cross with the fine Norman race, from which they evidently derive their origin; and if the second reason alleged be a valid one, the royal court is much more called upon to prohibit the importation of foreign corn, it being manifest that its fraudulent introduction into England, as Guernsey corn, is much less difficult than the introduction of French cattle as Guernsey cattle. We have stated the ostensible motive; but was not the real one to conciliate the country parishes at the expense of the town? The former may indeed inscribe on their banner “legion, for we are many,” possess-

ing, as they do, nine representatives in the administrative states to one of the town!

We have admitted that precedents exist in support of the ordinance under discussion, and as they are not generally known, we proceed to cite a few. 1642, October 3; parsnip seed not to be exported from the island during the present year under pain of confiscation, and a fine of one thousand livres.—1673, January 19; sheep not to be imported this year.—1682; the retail price of Bordeaux wine affixed at eight sous the pot, and the importation of all other wines from France prohibited under pain of confiscation!—1683, October 1; all persons prohibited from buying bulls, cows, and sheep arriving from Normandy and Brittany, under penalty of thirty livres tournois on the buyer.—1735; the importation of wheat prohibited, unless the price of island wheat exceed seven livres the quarter.—1743; the importation of barrels from abroad prohibited, under pain of confiscation. But if such precedents justify the present prohibition of French bulls and cows, might not the court of common pleas, by the same right, *now* enact such ordinances as the following:—1544, the price of wines affixed, and not to be exceeded under a penalty of twenty livres, and three days' imprisonment! *—1581; the bailiff, jurats, and assistant officers of the court having chosen their meat, the butcher compelled to deliver it to them, or to their servants.—1593; the bakers to buy no corn but from the "receiver" as long as he has any.—1684; the inhabitants prohibited from selling their wheat above nine livres, and barley above eight livres the quarter.—1687; foreign wheat to be sold five sols per bushel less than island wheat.†—1693; the price of meat fixed by the sheriff and an inhabitant of the town and country.

* From this period to the year 1682 there were enacted many ordinances regulating the price of wines.

† Equivalent to a duty of one livre per quarter, or one-sixth, wheat rents being affixed that year at six livres.

—1695; butchers not to cut or retail their meat before nine o'clock a.m., under a penalty of thirty livres. Beer, when imported, was also ordered to be sold at a given price, there probably being neither wine merchants nor brewers on the bench in those days of commercial ignorance, and notwithstanding it must be confessed that the assize on bread, which has only of late years been discontinued, was quite as injudicious as the impolitic restrictions just cited, nothing tending so much to high prices as the shackling of commerce. In 1623 the interest of money was fixed by an ordinance at six per cent., and in 1725 at five per cent. In 1671 the court ordered that no clergyman should *presume* to speak of any “*affaire civile*” in his sermon.

SECTION THE SECOND.

THE ROYAL COURT.

THOUGH it is impossible to determine, with undoubted certainty, the precise date at which the civil jurisdiction of Guernsey originated, it is nevertheless clear that it can be traced to the time of Rollo, first duke of Normandy, who annexed the islands to his continental dominions, for the *Clameur de Haro*, still existing, was founded by that prince. From his time to the reign of King John, the laws are stated to have been administered by a bailiff and two chevaliers, or knights, and sometimes the bailiff alone judged causes and pronounced sentence. The most difficult and intricate cases were referred to the grand assizes, held once in every year, at which time two itinerant justices were sent to the island, who, with the bailiff and chevaliers, in presence of the duke's ministers, freeholders, and others elected by the public, terminated all disputes, there being then houses in the islands specially appointed for those chevaliers, and made hereditary to their office. The duke's ministers were probably those who, by their tenures, had the honour

of being members of his household, in case at any time he should visit the island, such as the lords of the fiefs of Anneville, Saint Michael, Saumarez, &c. The free tenants were obliged to be present at the grand assizes, most probably merely to do homage, in the same manner as is practised in the modern courts of chief pleas. Those elected by the public seem to have corresponded with our constables, representing the whole of their respective parishes.

After the loss of Normandy, whence the chevaliers and itinerant judges were sent to hold the assizes, King John thought it necessary to establish a more fixed local jurisdiction, by adjoining to the bailiff twelve magistrates residing in the island, by the name of *coronatores* or jurats, to act as guardians of the public peace, and conservators of the rights of the crown. This is the generally received account, and as such we adopt it; but an able commentator* has, in a recent ingenious disquisition, gone far to prove, first, that the document in Latin termed the constitutions of King John, was, at the most, only a declaratory statute of a pre-existing system, and, secondly, that a question arises whether in fact such a statute, or a statute of any kind to that effect, ever issued from royal authority. He says—

"Let me first describe this document. It is a mere list or schedule of sundry and promiscuous articles of polity and regulation. It bears on the face of it no form, formality or style, usually characterising charters, statutes, or institutes. It is headed, or rather superscribed, "Constitutions and provisions, constituted by the Lord John, the king, after Normandy was alienated;" but the people for whom they were intended are not named, and the heading may be altogether fortuitous: otherwise than in that heading, the king's name does not appear;—the place of emanation is not stated, nor is the date given:—the king's signature is not to it, neither is that of any councillor, secretary, or other functionary, to authenticate it:—no seal is appended or affixed to it; neither the great seal, nor the privy seal; nor any other mark whatsoever, to give it the force of law; it is not addressed to any authorities whatever, in or out of the islands; it is not registered here or in Jersey; and the source whence it may have originally been produced, is utterly unknown, as it bears no mark of its having been procured from any of the record offices in England. The original is not extant, and is not known ever to have been in existence; it bears the appearance of a compilation more than anything else, at an epoch *certainly posterior to King John's death*; it is a sort of memorandum of an uncertain tradition.

* Lieut.-Colonel De Havilland.—See *Guernsey and Jersey Magazine*, vol. iv.

"I proceed to its contents, which are various in purport and in character. The seven first articles regard the institution, the election, and the functions of jurats. These are related in the *past tense*, and, therefore, are not the words of the legislator to whom they are ascribed. It is there also stated how they are to act with the bailiff, and with the justices of assize. They refer to *islands* in the plural number.

"The eighth article regards the determining of all cases here. It is a part of the covenant (as respects this island at least) which was entered into, in King Stephen's reign, for an annual money consideration. No. 9 secures to the owner of realty his property, if he have had peaceable possession of it a year and a day. This probably has reference to the old law of retreats and redemption. Nos. 10 and 11 regard the confiscation of property in cases of felony. No. 12, on the subject of prisons, is obviously taken from the inquest of Henry the Third, of 1249, and applicable to *this island only*. No. 13 requires the prévôt to be elected of the people, a then ancient custom.

"Nos. 14, 15, and 16 concern the itinerant justices in both islands. No. 17 exempts the inhabitants from doing homage to the king, except he come here, *or go to the duchy of Normandy*: or empowers some one, by his letters patent, to receive it here. This article could scarcely have been so framed at the time of the *alienation of that duchy*, but it is another corollary, as it were, flowing out of the above composition, (*not to be unconsentingly called out of the island*), entered into, for money, in Stephen's reign. No. 18 purports to be a provision under circumstances of warfare, (consequently no fundamental principle,) for the security of the isles, castles, and ports thereof.

"Here ends the document *as handed down* by Mr. Falle. The sequel, which I shall here insert at length from a French manuscript in my possession, is probably what he calls "a supplement, which" (he says) "Philippe d'Aubigny obtained when Henry the Third confirmed the constitutions of some other articles and concessions about trade, which, being of no use at present, are omitted." Here they follow:—

"19.—En outre, fut ordonné que tous navires étrangers, qui ne seroient de sa puissance et qui passeroient aux isles, donneroient un marcq d'argent de coutume; mais après le décès du roi, notre sire, à la requête de Monsieur Philippe d'Aubigny, notre sire, le Roi Henri, fils du Roi Jean, notre sire, en a réclamé la moistié.

"20.—Il a été en outre ordonné, que tout bateau de la dite isle, portant poisson, flottant en Normandie, donneroit pour chacun tour, quatre sous tournois; mais à la requête du dit Philippe, la moistié en a été relâché, par le même Roy Henry, notre sire.

"21.—Et en ce même temps la salerie des congres fust établie, entre la fête St. Michel et Pâques, laquelle les bailiffs du roy, notre sire, ont pris en ferme comme l'esperkerie; et la salerie fut premièrement faite et établie à cause des pêcheurs, lesquels portoient du poisson aux ennemis du roy, notre sire.

"22.—En ce même temps, fut ordonné que tous marchands doivent coutume des bœufs, porcs, et suif, et autres achâts, de toutes leurs denrées; mais les gens de l'isle doivent être quittes, quant à leurs propres nourritures.

"23.—Aussi il a été ordonné et pourvai pour le substenement, et profit de châteaux et de la forteresse du roy, notre sire, et de toute l'isle, que tous les pêcheurs conviendroient au pais, pour vendre leur poisson par trois jours en chaque semaine; à sçavoir, tous les jours du Mardy, Jeudy, et Samedi.

"Now, observe that No. 19 seems to regard the *islands generally*, and the last four apply solely to *this island*. I have now gone through the whole the paperyclept the *Constitutions of King John*, which, by some people, is held to be, as it were, the cradle and frame-work of our present constitution; and ascribed to King John, who was certainly dead before the document existed, as now stands! And such then is the document on which the reverend author the Jersey History, and others, have founded their speculations in that particular.

Assuming, however, the document styled the *constitutions of King John* to be authentic, that sovereign

appears to have reposed so much confidence in the inhabitants, that he granted them the privilege of choosing their own judges, and from among themselves. *Ii debent eligi de indigenis insularum per ministros domini regis et optimates patriæ*; that is to say, they must be chosen from among the natives of the island by the king's ministers and the principal inhabitants. Next we have the following clause:—*Post mortem unius eorum alter fide dignus, vel alio casu legitimo, debet substitui*; that is to say, if any one of them die, or vacate his seat on lawful grounds, another person, worthy of trust, is to be appointed in his place. The *Précepte d'Assize* amplifies this, and says the most noble, discreet, prudent, loyal, and rich of the island.

Notwithstanding that King John admitted judges itinerant to come over once in three years to hold the assizes, it was not with any intention of restraining the royal court's right of jurisdiction, since he empowered the bailiff and jurats to judge of all causes, either with or without them, except in very difficult cases, such as treason, or personal violence offered to any of the king's officers, while executing the functions of their office. The expression runs thus:—*In casibus nimis arduis; et si quis legitime convictus fuerit de infidelitate versus dominum regem; vel si quis imposuerit manus violentas in ministros domini regis modo debito officium exercendo*. At present the three cases excepted out of this jurisdiction are treason, coining, and striking the bailiff or magistrates, or king's officers, while sitting on the bench.

By the words "*Et si quis legitime convictus fuerit*," it is evident that though the punishment of such offenders is reserved to the crown, yet the royal court is authorized to examine into the offence itself, and to see that there is good foundation or sufficiency of cause of action; and the words "nimis arduis," imply that the judges of assize were ordered over

only to assist our jurats in the determination of the most intricate causes, and by way of instructing them in delicate points of the law, which we may naturally suppose were, in those early days, very little known in these islands.

These constitutions having been, from time to time, confirmed by the sovereigns of England, a copy of them remains on record, but it is not dated; however it is generally supposed to have been drawn up after Philip Augustus of France had expelled King John, and declared him to have forfeited all his rights and prerogatives to the kingdom of Normandy. But the king, in consideration of the fidelity of the islanders, which they proved, among other acts, by driving away all disaffected priests, chevaliers, and other discontented Normans, is supposed at this period to have made this concession in their favour, in order that they might retain, in their full integrity, their ancient customs and liberties, independently of the laws of England.

Several copies exist of an act of chief pleas concerning the reparation, or rather the erection, of a bridge, now called *Le Grand Pont*, for the convenience of the inhabitants of the parishes of the Vale and St. Sampson, who complained "that they had been greatly impeded and damnified by the incursions of the sea, which had swept away and destroyed the convenient passage which existed between the said parishes, so that it was impossible to continue religious processions or traffic one with the other, and impracticable to go to the parish of the Grand Sarrassin," now St. Mary de Castro. This act was passed by Nicholas De Beauvoir, bailiff, John Le Gros, James Le Marchant, Peter De La Lande, Robert De La Salle, Colin Henri, Rauf Meril, Gautier Blondel, and Guilet Lefebvre, jurats, dated the 4th of October, 1204, the very year in which Normandy was united to the crown of France.

Though the itinerant judges of assize were originally appointed to act as assistants to explain the laws to the magistrates, which were very scanty and defective at that time, they used all their means to subvert and destroy the constitution, by encroaching on the authority and privileges, both of the courts of Guernsey and Jersey. These usurpations and illegal proceedings prompting the islanders to make complaints against them, Edward the Third, in the fifth year of his reign, sent over Robert De Scarborough and John De Tamworth, with other men learned in the law, empowered by a special commission to judge and determine "all quarrels and injuries" complained of by the bailiff and jurors, or any other person whatsoever.

Another commission was also given to Robert De Hoo, for assisting the magistrates in the functions of their office, and defending the rights of the crown, which most probably gave rise to the establishment of the king's procureur. In an abstract from the rolls of the king's briefs, held at Jersey, in the presence of royal commissioners, the inhabitants of that island being summoned to give reasons for claiming the right of having twelve judges of their own election, we find a full narration of the insular constitutions, as established by King John, which those commissioners confirmed and ratified with some amplifications. Doubtless, the same defence was made in Guernsey, where the inhabitants were equally distressed, and who also obtained relief by the judicious regulations drawn up by those royal commissioners, called "*Le Précepte d'Assize*," which has ever since been a standing and settled authority in the island. From that period judges of assize have ceased to visit Guernsey. On special occasions commissioners have been sent over to redress grievances and reform the laws.

In order to render more authentic the many transactions passed before this jurisdiction, Edward the First honoured Guernsey and Jersey each with a

public seal, representing in both three leopards passant (the arms of the ancient province of Normandy), with the difference, however, of a branch of laurel as a crest to the escutcheon of Guernsey. Many have imagined that this laurel was granted to the Guernseymen, on their aiding in the recapture of Mount Orgueil Castle, in Jersey, during the later reign of Edward the Fourth, 1460; but this is an error, as is evident from the inspection of many ancient deeds, authenticated by this seal anteriorily to this last date, wherein the branch of laurel is depicted, and it may therefore be fairly ascribed to Edward the First. Had the patent given an explanation of both seals, we might be the better able to examine the true cause of this distinction between the two islands, but they were sent engraved with the name of the islands inscribed round each respective seal: the original grant in favour of Guernsey is missing, and it probably explained what is now conjectured. However, a crest of itself denotes honour, and a laurel is seldom or ever allowed, except to commemorate some signal action. It has been surmised that Guernsey received this mark of distinction in remembrance of the recapture of Castle Cornet by the inhabitants, after it had fallen into the hands of the enemy through the neglect of the captain, which was the reason why the bailiff and jurats were authorized to keep a check over the governor for the future, and inspect the fortresses of the island, to see that they were at all times provided with stores and ammunition.

Having thus explained the origin of the royal court, we proceed to notice the various officers attached to it, their functions and duties. We commence with the president, or, as he is styled in Guernsey, the bailiff.

The etymology of the word "bailiff" may be traced to a Saxon origin. It signifies "*bailler, confier à la protection*"—to entrust to the power of some officer, who is invested with authority to enforce obedience

to his commands. We still have the high bailiff of Westminster; and the chief civic magistrate of London was formerly called "the bailiff." Richard the First changed the official title into the modern name of mayor, in 1189. The office of bailiff being of very ancient establishment, is probably the reason why the qualifications required in his person are not specified in the constitutions of King John; yet, in accordance with the *Précepte d'Assize*, he ought to be a man of note, resident in the island, and answerable to the jurats for wrong or illegal decisions in matters affecting the crown. If the bailiff committed a breach of trust, he forfeited all his moveable and real property. He was required to be possessed of landed estates, to be able to answer to the king's justiciaries for any illegal act, in the shape of penalties. As first civil magistrate in the island, the bailiff is entitled to rank next to the governor, and at court his seat is elevated above all the rest, which shows his independency of the governor himself, in the functions of his office.

Originally the bailiff was not simply an officer of justice; he was also an officer of war. In Normandy, their sentences emanated directly from the exchequer of Rouen, which was the sovereign court of the duchy before a parliament was established in that province by the kings of France. The king appoints the bailiff, although formerly the governors named some of those functionaries; but the sovereign claimed back this prerogative, which is reserved to him exclusively by the order in council of the 27th of May, 1674. He is sworn into office by the judge delegate and the jurats. By the Extent of Edward the Third, he received from the governor, as salary, thirty livres tournois, or £2 2s. 10½d. sterling, per annum.* By the *Précepte d'Assize*, he could not absent himself from the island without the express permission of his majesty. He cannot alone judge

* For the present salary of this functionary, see page 135.

any cause, nor give an opinion on any matter except by way of advice ; it is his duty to collect the opinions of the jurats, to pronounce their sentence, and dictate it to the greffier ; but if the votes are equal, then he has the casting vote, both in civil and criminal cases. As president of the court, he has control over the advocates, and is empowered to reprimand or suspend them for breaches of forensic decorum. Judicial permits, called *Remèdes*, to levy a parochial rate or sell the property of a debtor, must be signed by the bailiff or his lieutenant, and the custody of the seal of the island is entrusted to him. But he may depute the power of sealing to two jurats, though he cannot break their seal unless in their presence or the presence of two other jurats. If the bailiff imagines that the jurats have pronounced an erroneous or illegal sentence, he may postpone judgment for forty days, to give them time for revising their sentence ; but he must, at the expiration of that time, record the verdict of the majority.

The court fees of the bailiff, according to the *Approbation des Lois*, were fixed on the following scale :— For a judgment, one sol sterling ; for a *vue de justice*, *idem* ; for an enrolment, four deniers sterling ; for signing a document with the jurats, two deniers sterling ; for affixing the seal of the island with the jurats, eight deniers sterling. The bailiff also received three sols six deniers tournois for the permission he granted to strangers to announce the sale of their merchandise by retail, and the same sum for a permit to arrest strangers in civil matters, and also inhabitants when suspected of an intention to leave the island, in order to compel them to give bail or appoint an attorney to answer for them in any suit instituted against them by the party who issued the arrest. These fees have since been trivially raised, but still there is no jurisdiction where they are so insignificant as in this bailiwick.

THE JURATS.—There are twelve jurats, elected and chosen by the people from among the principal inhabitants.* They are also called justiciaries, as being justices under the bailiff, and associated with him in the exercise of the judicature. Each of them is sworn into office before the bailiff and at least two jurats. We learn from the *Précepte d'Assize* that they were established in the room of the four chevaliers, and are bound to serve the king and his subjects in this island at their own expense without receiving any compensation from the king or any one of his subjects. No jurat can be deposed, except in order to be raised to the rank of bailiff, unless convicted of perjury or treason. The bailiff and jurats have the right to take cognizance of all civil and criminal causes within the island, to judge the parties and inflict punishment, except in the three cases already stated, which are reserved to the crown. They are intermediate judges between his majesty and all his subjects inhabiting the island. They are judges in admiralty cases, there being no other admiralty court but the royal court. No person is exempt from their jurisdiction. The king there pleads through his procureur. All sentences pronounced by the bailiff and jurats are executory, except where an appeal exists to his majesty in council. Every action, opened before them, must proceed to definitive sentence, before an appeal. They take cognizance of disputes between lords of fiefs, and the clergy, in all real actions, or actions which savour of the realty. Contracts and sales are passed before them, which formerly were passed before notaries. They act as coroners on the inquest of bodies found dead, and can order them to be examined by surgeons. They are allowed

* The conducting of the proceedings, both of the states and royal court, in the French language, is becoming annually more adverse to the election, as jurats, of many of the principal inhabitants, who, receiving their education in England, do not speak French with sufficient fluency to enable them to sit on the bench, although, perhaps, they may be better qualified than others who are elected. This is an evil which must continue to increase, English being now entirely the language of the upper classes in their families; indeed, it is almost generally spoken by all ranks in the town of St. Peter-Port.

three annual dinners at the cost of the king's revenue, at the chief pleas of Christmas, Easter, and Michaelmas, and a dinner when any convict is banished from the island. Formerly the governor farmed the king's weights and received the revenue; but it is now vested in the bailiff and jurats for their own account and profit, they paying twenty shillings per annum to the king's revenue, as acknowledgment of tenancy.

THE KING'S PROCUREUR.—This officer is nominated by the king, and corresponds to the attorney-general in England. Some have said that he is styled procureur, because it is his duty to *procure* good for the sovereign and his subjects, but this etymology appears frivolous. We would rather derive it from *pro curid*, he representing the king *before the court*, in which the king is always presumed to be personally present. He is sworn into office by the bailiff and jurats. By the Extent of Edward the Third, he received a salary of ten livres sterling, and was entitled to his dinner with the jurats. He may give his opinion and his vote in the states, though the comptroller cannot. The procureur is bound to live in the island, nor could he appoint a substitute before 1738. (See page 138.) In all cases which concern the sovereign and the public, he gives his conclusions or view of the subject, both on the fact and the law, with the comptroller, and, if they are both absent, the court cannot give a decision: their conclusions have so much weight that they are generally adopted by the magistrates. Both these officers are public accusers, although that duty is specially attributed to the procureur. In criminal causes they act together, when the crown is interested; when an individual enters a criminal cause against another for defamation, ill-treatment, &c., the plaintiff must employ one of these officers to bring forward his case, and the defendant may employ the other. The procureur and comptroller claim the right of pleading in these cases of adjunc-

tion; but though such is now the usage, there is no law which compels a defendant to employ a crown officer to the exclusion of other advocates.

The procureur is bound to undertake and defend the causes of the poor,—to cause the rules and orders of the court to be enforced,—to prosecute all who are accused of crime, and to be present at the execution of sentences pronounced against criminals. He may accuse and bring before the court those whom he believes to be guilty, without being subject to any damages towards the party accused if he fail to substantiate his charge. If, however, it appears that the procureur has acted through malice, fraud, or a desire of calumniating the party, then he must be condemned in his own private and proper name to damages. When there is an informer, he is obliged to name him to the defendant, if required, after the defendant has been acquitted, that he may know against whom to claim compensation. By an edict of Charles the Ninth of France, recorded by Terrien, the judges of sovereign or inferior courts are not bound, while taking preliminary evidence, in criminal cases, to communicate such evidence to the king's procureurs. He also records another decree by which judges are prohibited from interrogating or confronting witnesses in presence of the king's procureur or advocate, who also are prohibited from attending on such occasions. But by the *Approbation des Lois*, the king's procureur may be present at the examination, interrogation, and confrontation of witnesses.

THE COMPTROLLER.—This officer is called in Jersey the king's advocate, and corresponds to the solicitor-general in England. As the *Précepte d'Assize* does not mention the king's comptroller, there is every reason to conclude that no such officer existed in the island at that date, for we cannot suppose that so important a functionary would have been passed over in silence. The date at which this office was

established in the island is unknown. Etymologists differ as to the derivation of the word *contrôle* or comptroller. We incline to think, that in ancient Normandy he was rather a fiscal than a judicial officer, and that in the exchequer of Rouen he received and audited the ducal revenues; hence he was "*contrôle*," because it was his duty "*compter le rôle*;" but this is a mere conjecture of our own, probably of little value.

However, in Guernsey the comptroller is named by his majesty; his functions nearly resemble those of the procureur. He takes the same oath, formerly received the same salary, and he is equally forbidden to give advice or plead against the king; neither could he formerly appoint a deputy. He may act alone in the absence of the procureur, who takes precedence over him; and when they are both present in court, he gives his conclusions and advice in all matters where the procureur is consulted, excepting in the states, where he has neither a vote nor a voice. In strictness he ought not to be present at the examination of witnesses in criminal causes, for the *Approbation des Lois* limits that privilege to the procureur.

THE KING'S PREVÔT OR SHERIFF.—The prevôt is also an officer of the court, established in place of the serjeant of the sword, who is mentioned in the Coutumier of Normandy; he is chosen by the inhabitants of the island, as we have already described, in the same manner as the jurats are elected; nevertheless he is called the king's sheriff.

When a title to rents or real estate is contested before the pleas of inheritance, he is the trustee or depositary of the subject matter in dispute; and after having examined the pretensions of the litigant parties, he gives to each of them his report, on which the court pronounces sentence. He gives creditors *saisine* of the estates of their debtors, arrests persons and

effects, and constitutes persons prisoners in gaol in civil and criminal cases, after sentence of court. In civil matters against strangers, an arrest is valid on the signature of the bailiff, lieutenant-bailiff, or two jurats, and also against an inhabitant, to compel him to appoint an attorney to represent him in a suit at law. The sheriff sees to the execution of the sentences of the court for the correction and punishment of criminals, and he must be present at the execution; he is also bound to warn the jurats to assemble at court when ordered to do so by the bailiff. When any one is sued for a rent due on his estate, and does not answer to the two first summonses before the court in the pleas of inheritance, and again absents himself on the third summons, the sheriff becomes the representative of the defaulter against the plaintiff, and pleads the cause as the defaulter would have pleaded it, had he been present; and if the sheriff, having thus become party to the suit, renounces to the inheritance on which the rent is claimed, the plaintiff obtains *saisie*, or legal seizure, of all the estate of his debtor, from the day at which the sheriff renounced, and it is the province of the sheriff to put the plaintiff into possession of such inheritance,—a process expressed by the term *bailler saisine*.

According to the *Approbation des Lois*, the procureur has the right to inspect the weights and measures, and stamp them with a public mark, before any one can make use of them; and if, on inspection, he finds the weights too light, or the measures too small, he may bring the delinquents before the court, who are then fined at the discretion of the bailiff and jurats. But notwithstanding this article in the *Approbation des Lois*, there is every reason to conclude that the custody of the standard and stamp of weights and measures belongs in law to the office of sheriff. This appears by an act in judgment, dated the 19th of May, 1632, which was passed on the occasion of a dispute between

the then procureur and sheriff, by which the court unanimously decided that the demand of the procureur should be rejected, and the sheriff maintained in the enjoyment of the right of gauging and stamping all weights and measures, and everything dependent on them, as he and his predecessors had formerly enjoyed the same, on the ground that the procureur had not shown any title to his pretended right; on the contrary, the court held that it had been annexed from time to time to the office of sheriff, notwithstanding the clause in the *Approbation des Lois*. It was, however, conceded that the procureur, with a view to the interests of his majesty and those of the general good, should have the right of inspecting the weights and measures whenever he deemed it right or necessary, with a view to discover abuses and defects which might be committed, and to inform the court of them when needful.

The sheriff has the inspection of rivulets and water courses, that they may be kept in good order and in their usual channels. His fees are taxed according to the *Approbation des Lois*; for an arrest in town, four deniers sterling, and for one in the country, or in the roads, one sol sterling, and as much to give possession or *saisine* of an inheritance. When he arrests a person, he must put him in prison, and if the prisoner escapes through his negligence, he must pay the amount of the debt due to the arresting creditor, and, by an ordinance of 1614, he is fined three livres tournois for the first neglect of this duty, suspended for the second, and dismissed for the third. The sheriff may appoint a deputy; formerly he received the dress of an esquire at arms, hay and oats for his horse, and one of the stray beasts, which were confiscated to the crown, unless reclaimed by the owner before St. John's day. He now receives ten livres tournois salary from his majesty, and his chief pleas dinners with the jurats.

THE GREFFIER, OR REGISTRAR OF THE KING.—The greffier is named by the king. The *Précepte d'Assize* fixed his salary at ten livres tournois, and allowed him his chief pleas dinners with the jurats. His title is evidently derived from the Greek word—to write.

He may appoint a deputy, who represents him when sick or absent from the island. The office of greffier being one of great confidence and great importance to the public at large, it was never given to a person under twenty-five years of age, or unless he was well versed in its duties, and this rule still obtains. It is the business of the greffier faithfully to register the ordinances of the court, the sentences and regulations of the magistrates, and to give, without delay, correct extracts from the registry to all who may demand them. He is the keeper of the records of the island, given to him by the bailiff and jurats, with an inventory. He is bound to furnish the procureur gratuitously with copies of registers which relate to causes which affect the king, being compensated for such service by the salary he receives from the crown. According to the *Approbation des Lois*, he is entitled, for writing a letter on parchment, to four deniers sterling; for drawing up "une minute," two deniers sterling, and as much for registering it; for an enrolment and an adjourn, two deniers sterling; and for an act of court extracted from the registry, a denier and maille sterling; but these fees have long since fallen into desuetude. The greffier holds no jurisdiction in this island. He is obliged to answer in a civil action, for the faults of his clerk, and to reside in the island. It is not fitting that a greffier should act as an attorney or notary in the jurisdiction in which he exercises his office.

THE KING'S SERJEANT.—The serjeant or beadle of the king ought, according to the *Précepte d'Assize*, to be named by his majesty; but this right has been claimed by the governors. The serjeant receives

from the crown, a salary of ten livres tournois per annum, and his dinners at the chief pleas. He makes proclamation of the ordinances of the court, and exposes to sale property judicially seized. He delivers *ajours* or notices of actions, serves warrants, and, when required, must show that he has done so in the manner and form described by the law. He cannot distrain on the fiefs of lords, without special order and commission, except for debts due to the crown, or where anything is in imminent peril, and in which the king's procureur must be a principal party.

Besides the king's serjeant and his deputy, there are several other serjeants on private fiefs, who seize goods by judicial order, and carry *ajours* on those fiefs only, who have no salary from their lord, but are obliged to perform their duty each in turn; and they must be present in court to attest their warrants, under a penalty of eighteen sols,—and they receive four deniers sterling, or three sols six deniers, for the whole of their report. The serjeants cannot make any appointment on Sundays, and they ought to keep a register of their proceedings, that they may furnish those who require it with a report.

If a person condemned, absents himself from his house, and keeps his doors closed to prevent the execution of acts of court, the serjeant should take information in the neighbourhood, to what place the absentee has retired, and give a report to him who demands the execution; the latter ought then to show it to the judge to obtain permission to break open the doors and chests. In such a case the court orders the constables to assist the sheriff, who generally carries into effect this kind of executions. Every serjeant, who says that he has delivered an *ajour* and has not done so, is liable to punishment. Serjeants must not defer execution of the acts of court for the arrests of moveables, when required so to do, under pain of answering personally for their neglect. They

must warn the debtor to pay, before they seize his effects; and, if he requires to see the act of court, it must be shown. They must not take beds or other necessary objects, if there are other articles to satisfy the demand; with these exceptions, they may seize all moveables which they find belonging to the debtor, except his arms. If they complain of violence, their own testimony is insufficient; they must prove the fact by witnesses; however, attention is paid to their complaints, according to the circumstances of the case. The magistrates cannot compel them to execute their verbal orders; they must reduce them into writing. The serjeant, or his deputy, must be in constant attendance on the court.

THE ADVOCATES.—The advocates, or barristers as they are called in England, are limited to six. None can hold this office who cannot produce certificates of competency. They usually study in Caen, in Normandy, or Rennes, in Brittany, and they must exhibit testimonials from the professors in the law schools of those towns. They take an oath which ought, in strictness, to be renewed every two years, that they will faithfully advise their clients and inviolably preserve their secrets,—that they will not undertake any cause which they know to be bad,—that, in their pleadings, they will not adduce any facts but those which their clients have affirmed to be true,—that they will advise the court of what they know to be the king's rights, or what affects those rights, and that they will not make any bargain with their clients for any portion of the matter in dispute. The profession of an advocate in Guernsey differs from that of an English barrister, as the former may act both as an attorney and a notary; nor is it considered derogatory for them to hold agencies quite foreign to forensic pursuits, such as agencies to fire and life insurances in England. Indeed, the same may be said of the jurats, and both classes may be, and are frequently, officers in the militia.

THE GAOLER.—This officer used to be called the *portier*, or porter. From time immemorial the king has had a porter in Castle Cornet, who, in the reign of Edward the Third, received a salary of twelve deniers sterling, but afterwards his wages were regulated according to an agreement with the governor, or his receiver. The office of porter was, in ancient times, somewhat of a military character, for it was his duty to open and shut the gates of the castle, and deliver the keys to the governor, who then made the castle his ordinary residence; and it was his business to station the guard, and watch and see that each soldier acquitted himself of his duty; but this has long since fallen into desuetude.

The gaoler retains all prisoners in safe custody, delivered to him by the sheriff, to whom he delivers up those accused of crimes, that they may be produced before the court. Formerly, the detaining creditor paid to the porter two deniers sterling a day for the maintenance of those who could not subsist themselves; and if that allowance remained in arrear for seven days, it was optional with him to detain the prisoner no longer, to sue the plaintiff for his dues, and liberate the prisoner by an act of court. The allowance was afterwards raised to five sols tournois per day, or about six deniers sterling. The rate is now one shilling per day. Formerly, prisoners for debt, but not others, were allowed to go out of the castle, on condition of returning every day, accompanied by a soldier, to whom they paid four deniers sterling a day if they did not go out of the town, and eight if they went into the country.

THE BORDIERS.—*Borde*, in old French, signifies a house. Formerly the king had thirteen bordiers in the island, who, with the grangiers, collected his rents. In the reign of Elizabeth the bordages were let out to rent, without the reservation of such services. Their duty at present is to answer at the chief pleas, to

assist in turn at the pleas of inheritance, and to accompany the sheriff when he brings prisoners to court as criminals, to return with him if they are lodged in gaol, and attend them to the place of execution. They are entitled to their dinner at the three capital chief pleas.

SECTION THE THIRD.

ON THE ADMINISTRATION OF JUSTICE.

JUSTICE, in all its varied and complicated forms, is administered by the bailiff and jurats. There is no subdivision of legal labour. The same men who authorize a mountebank to exhibit his tricks in the streets, decide on character, property, and life. Such a system may appear absurd and dangerous to an English reader, but he should bear in mind that as there is no *law* in Guernsey, the inconveniences resulting from this system are not so grievous as might be imagined.* With very rare exceptions, the jurats are elected from the mercantile class, are utterly ignorant of the principles of jurisprudence, and little versed in its practice; they usually pronounce judgment from a common sense view of the matter in litigation, as arbitrators or referees; they are guided solely by facts, and pay no regard to law, unless in matters of real property, concerning which defined rules exist to a certain extent. *Domat* and *Potier*, *Coke* and *Mansfield*, are treated with little courtesy by the royal court of Guernsey.

For the better advancement of public business, the administration of justice is distributed in the following order:—Royal court;† civil; court of judgments;

* Mr. Hill, whose article we have cited at pp. 304-5, says, "One does not hear in Guernsey of a jury being directed by the judge to acquit a prisoner, charged with stealing a duck, on the ground that the duck being dead was no longer a duck, and therefore wrongly described by that name in the indictment; nor did I ever hear of a man being allowed to escape who had stabbed another, because the wound was stated in the indictment to be about three inches deep, whereas the phrase, about three inches, was learnedly explained to mean any thing or nothing—a mile or a barley-corn."

† The court-house was formerly called "Cohue," which name occurs in old records, and it is still occasionally so denominated by the country people. Cohue, s. f. petite justice en province, (*fig.*) assemblée tumultueuse et bruyante.

Ancient hours of the royal court.—At the chief pleas held on the 4th of October, 1624, "it

court of heritage ; mobiliary court ; Saturday court ; admiralty court ; criminal court of correctional police ; superior criminal court.

The terms of the royal court, each of which lasts six weeks, commence on the following days :—Christmas term, on the second Monday after the chief pleas, which are held on the first Monday after the 15th of January ; Easter term, on the first Monday after the 15th of May ; and Michaelmas term, on the second Monday after the chief pleas, which take place on the first Monday after the 29th of September. Each term, together with the interval succeeding it, until the holding of the chief pleas that open the ensuing term, is locally denominated *un quartier*. There are, therefore, three *quartiers* in the year. To each of these four jurats are assigned in rotation, whose duty it is to constitute, superintended by the bailiff, the mobiliary, Saturday, admiralty, and heritage courts, besides assisting with the other jurats at the criminal courts and court of judgments.

THE COURT OF JUDGMENTS AND RECORDS.—This superior tribunal, which is held three times in every term, on every Tuesday beginning with the first Tuesday in term, determines appeals from the other civil courts. It must be composed of at least seven jurats, besides the bailiff. In strictness, the court of judgments need only be held in term ; but, for the convenience of suitors, the bailiff and jurats sacrifice much of their time in hearing appeals out of term,—a practice the most truly praiseworthy and liberal, as their services, with the exception of a trifling fee,* are perfectly gratuitous.

No appeal is allowed from any of the inferior courts to that of judgments and records, unless the sum in

was ordered that, for the future, the court should assemble at half-past nine on every Monday, and the advocates are directed to deliver their causes to the bailiff or his lieutenant on the previous Saturday before sun-set, otherwise their causes will not be heard ; and it is further ordered that the Saturday's court shall rise at one o'clock after mid-day, without being obliged to sit later, however important the case may be."

* One shilling to the bailiff, and sixpence to each jurat, for every judgment, except when the appeal is from the admiralty court, when this fee is doubled.

dispute exceeds one hundred and fifty livres tournois, or £10 14s. 3d. sterling; nor from any case where witnesses have been heard *vivâ voce* in the inferior court, be the amount in dispute ever so considerable. These restrictions are a proper safeguard against vexatious litigation.

From the sentences of the courts of judgments and records, there is a final appeal to her majesty in council, provided the object in dispute, if real property, amounts to the value of £10 sterling per annum, or, if personal property, to £200 sterling. All such appeals must be prosecuted within the space of six months from the date of the judgment against which the appeal is made.

We may here notice the celebrated cause of the late bailiff, De Havilland *versus* Henry Durell Jeremie, merchant, as, by the spirited conduct of the latter individual, the island was freed, at a great personal expense, from the ruinous effects of a most cruel decision of the royal court of the day. A question arose in 1809, whether rents could legally be paid in foreign corn, and in answer to a query on the subject, submitted by the king's procureur to the court of judgments at its sitting of the 14th November of that year, the magistrates present declared unanimously, "that by the immemorial custom of this island, all persons to whom wheat rents are due, may exact, for payment of the same, wheat of the growth of this island, and that no person is obliged to take any of foreign growth." This declaration commanded a physical impossibility, as it was well known that the island did not then produce probably one-twentieth part of the wheat required to pay the rents contracted; indeed, many of them under the supposition that they might be paid in foreign wheat, if of good quality.

A yearly rent of twenty quarters of wheat was due on a house in St. Peter-Port, by Mr. Jeremie, to the children of Mr. (afterwards Sir Peter) De Havilland,

although the land on which it stood would not have probably produced a bushel. Wheat rents, on property so circumstanced, naturally excite heart-burnings and animosities between the receiver and the payer,* especially if the former take advantage of a scarcity of corn to exact payment in kind, and disputes appear to have existed between the parties in this instance, for some years, each, doubtless, considering himself aggrieved. The proceedings in this case cannot be given better than by extracting a part of the petition of Mr. Jeremie to his majesty in council, premising that Mr. De Havilland, in his requête, or memorial to the royal court, gave as a reason for his not accepting the Guernsey wheat tendered in 1810, that he suspected it *not* to be of island growth, and that Mr. Jeremie refused to satisfy him on this point:—

“The following are the facts and circumstances of the whole case. By the contract or deed of purchase of a house situated in the centre of the town, a yearly rent of twenty quarters of corn is due by me to Peter De Havilland, esq.

“Such rents are usually paid in cash, according to an evaluation of the price of corn, made at the Michaelmas chief pleas, by the royal court; but Peter De Havilland, esq., having insisted on payment in kind for the year 1809, the royal court condemned your petitioner to pay the said rent in corn, although there subsisted an ordinance of the said court, of the 22d October, 1808, which forbade the purchase of more wheat than was necessary for a family use, and which was the only cause for your petitioner not paying in kind, for there could be no intention of denying or delaying payment, since he proves having offered cash for said rent, at a greater value than was current.

“The act of the royal court which condemned your petitioner to pay his rent for 1809 in kind, is of the 13th November, 1809.

“On the 14th November, 1809, an opinion is said to have been given unanimously by the court, on the application of Thomas De Saumarez, esq., his majesty's procureur, saying that rents were payable in wheat of the growth of this island only, upon which opinion your petitioner will enlarge by-and-bye.

“On the 21st November, 1809, your petitioner knowing nothing of the said opinion, sent to pay his rent in foreign wheat, which was refused; after which, however, and after sending the sheriff to put in force the act of the court of the 13th November, 1809, Peter De Havilland, esq., accepted the foreign wheat, knowing it to be such.

“For the rent of 1810, your petitioner purchased the best wheat, the real growth of this island, that could be procured, and sent it to Peter De Havilland, esq., who rejected it, on the supposition that it was foreign growth, and again entered a suit against your petitioner.

“Your petitioner, when summoned before the royal court for the payment of the rent, pleaded his having tendered payment in corn of the best kind.

“On the 4th February, 1811, the royal court condemned your petitioner to pay the rent, and expressly ordered that it should be in corn of the growth of this island, although it refused to insert that condition in its act.

* For our strictures on wheat rents on buildings, see p. 287.

"By virtue of this act of condemnation was your petitioner thrown into prison, although he had previously offered the payment of his rent in corn of that description, although he again tendered the same to the sheriff, as well as hard cash, or bail to any amount he might require.

"The corn, money, and bail, were not only refused, but the new erected prison in the town also; and your petitioner was dragged, on the 1st of March, 1811, to the old prison in Castle Cornet, the horrors of which had been so strongly depicted by Peter De Havilland, esq., himself, as to induce the states to erect a new one at an immense expense, to which the states were not liable. The use of that new prison, though allowed to felons and criminals of all descriptions, was denied to your petitioner alone, who, as a member of the community, had contributed to its erection.

"From that imprisonment your petitioner was relieved by an act of the royal court of the next day, 2d March, 1811, which, agreeably to the law, declared that Peter De Havilland, esq., 'should have attached himself, and shall in future attach himself to the goods, chattels, and estates of your petitioner, before he makes use of the *contrainte par corps*.' To obtain a repeal of that act of the royal court of the 2d of March, 1811, Peter De Havilland, esq., eleven months after, presented a *requête civile*, or petition, which, on the 21st April, 1812, was argued before the royal court, and admitted; thereby reversing the act of the 2d March, 1811, and sending back your petitioner to prison, if it was the pleasure of Peter De Havilland, esq."

After a long protracted opposition on the part of Mr. De Havilland, and, it would seem, of the royal court, Mr. Jeremie happily triumphed, as it was finally ruled by the king in council that wheat rents might be paid in foreign wheat. Had the decision been otherwise, Guernsey wheat must have been converted into a species of paper money, transferable and payable to order; and as the rent payers must thereby have been subjected to many annoyances—as the price must have been greatly enhanced—it is to be regretted that the chief magistrate of the island should have been the first person to moot a question of such injurious tendency.

As far back as 1580, appeals to the sovereign in council were allowed for matters of so small a value as £10 sterling, but that sum appearing in process of time to be too trifling, the amount was raised in 1605, and fixed at £40 sterling: at this rate it continued until the 13th of May, 1823, when it was increased, by an order in council of that date, to £200 sterling. This limitation was obviously intended to apply only to cases where the *amount* alone was in dispute, and not to cases involving questions of *right, law, or custom*. That the royal court, at least, ought thus to

understand it is evident from the following extract from "Observations on the Report of the Royal Commissioners," addressed by the magistrates to the lords of council, on the 28th November, 1817,—observations drawn up with great ability, and which display a knowledge, on the part of the writer, of the bearings and relations of the subjects brought under discussion, and of the probable results of the changes proposed, to which the commissioners could make no pretensions. Adverting to the recommendation of the commissioners that appeals between the local courts should be limited in amount, the court justly and forcibly observed:—

"In questions of *right*, of *law*, or *custom*, which, though for small sums, may yet involve serious consequences, appeals are very necessary, were it only to avoid contradictory decisions on the same questions when argued for different sums; a decision of twenty shillings for the maintenance of a pauper may subject a parish to the payment of large sums; the same for a debt contracted by a married woman against the husband; or a demand, however small, for a vessel against a part-owner, in which, and numberless other cases, *the decision for small sums lays the ground for a liability to others of magnitude*; and in all such cases of *right* the court humbly begs that *appeals should not be limited in amount*."

Notwithstanding the opinion thus clearly and soundly given, the royal court decided against the principle they had recommended in 1821, in the case of the Receiver-general *versus* Tissier. The *ostensible* question was, whether the house of the defendant was liable to the payment of a couple of hens to the crown; the *real* question was, whether the receiver-general could demand the assessment of *poulage* on several hundred houses for which it had never been paid,—a question, therefore, of *right*, in which most of the proprietors of houses were interested. The case of the crown lawyers *versus* the receiver-general, (July, 1833,) where the question hinged upon the *right* claimed by the former (who receive a salary from his majesty), of charging for all services rendered by them to the king in civil suits, involved the same principle; but, in both the cases cited, the court refused the direct appeal on the ground that the sums

at stake were below the limitation, and compelled the parties, against whom judgment had been given, to deposit £10 at the greffe, and go to council in the character of *doléants*.

The appeal by *dolérance* which, by an order of council of the 27th of June, 1627, is granted for sums of less amount than £40 to every person who, besides giving the usual bail to pay costs, deposits £10 sterling at the greffe-office, to be forfeited to the poor in the event of his failing in his *dolérance*, neutralizes the utility of the recent changes. By this mode of appeal, the individual losing his suit has the power of compelling his adverse party to incur a heavy expense by lodging a *caveat* at council, and other defensive proceedings, or of harassing him by the delay of six months. If this mode of appeal be continued, the amount of the deposit ought to be greatly augmented, since the sum for which direct appeals are granted has been raised from £40 to £200—in other words, has been quintupled. In justice to the royal court, it must be observed, that a change of this kind was proposed by them to council, but it met with no attention.

THE COURT OF HERITAGE, OR PLAIDS D'HERITAGE.—This tribunal is of great antiquity. It is held, like the court of judgments and records, once a fortnight during term, beginning with the second Tuesday. This court takes cognizance of all suits regarding real estate,—of all proceedings for wheat and other perpetual rents,—and of all demands made with a view to dispossess a debtor of his immoveable property. Here, too, as soon as the debtor has abandoned, or been dispossessed of, his real estate, are determined the relative claims which his creditors have against each other, with regard to it, on the score of priority.

The court of heritage being peculiar to the Norman isles, and it having been, and still being, regarded as the most valuable part of the insular constitution—a

part of it which has often justly excited the admiration of strangers competent to pronounce on its merits—a short description of the manner in which cases of bankruptcy are carried through, cannot fail to be interesting.

When judgment has been obtained against a debtor in the *mobilier court*, it is enforced by taking either the person or the effects in execution, or by removing the cause to the *court of heritage*, in order to compel him to renounce to his real property. The act of renunciation or bankruptcy, may be either voluntary, when it is called "*Renonciation Volontaire*," or compulsory, when it is called "*Renonciation par loi outrée*."

Renonciation Volontaire takes place when the debtor, against whom an action is brought, voluntarily comes forward, without awaiting judgment, and renounces to all his goods, chattels, and estates, in favour of the creditor by whom he is sued, or of his creditors generally, if he have more than one. By this act he entirely exonerates himself, not only from the particular debt which is the subject of the suit, but from every other debt which he may have contracted up to that period. The action in which the debtor thus offers to give up his estate, both real and personal, being in the *mobilier*, *Saturday*, or *admiralty court*, in neither of which the offer to renounce to his real estate can be available, a minute is entered that the debtor will confirm the surrender of his real estate at the next *court of heritage*. An action to that effect is therefore entered against him in that court, and he accordingly confirms the surrender; or, if he fails to do so, the king's sheriff is, after the first default, appointed to represent him, and, after the third default, confirms on behalf of the bankrupt.

Renonciation par loi outrée is a compulsory abandonment of a debtor's real estate, the result of a process, the object of which is to dispossess him of that estate. Being strictly a process against the real estate only,

and having no reference to the personal property, rights, or liabilities of the debtor, it clears him only from such debts or liabilities as were attached exclusively to the real estate. He still retains his personal property, and of course remains liable to the payment of all simple contract debts, bills of exchange, or bonds, even though some of these should happen, by way of security, to have been registered against his real estate.

The first step towards obtaining the "*Renonciation par loi outrée*," after judgment has been given in favour of the creditor in the mobiliary court, is to constitute him *saisi mobilier* of the debtor's real estate, in which character he is entitled to take only the rents and profits of the estate in liquidation of his claim, but has no right to any property in the estate itself, which continues to belong to the debtor, although he has been dispossessed of the enjoyment of it. The proceedings, indeed, up to this point, are carried on in the mobiliary court, and, therefore, can be of no avail to dispossess the debtor of his right of property in his real estate. If the plaintiff be the only creditor suing, and the rents and profits of the estate suffice to pay his demand within a reasonable time, he proceeds no further than this point, and as soon as the demand is satisfied, he returns the estate to the debtor. But, if there be other creditors suing, or if the amount of his own claim be so considerable that there is no prospect of its being discharged, he pursues his further measures in the *court of heritage*, so as wholly to dispossess his debtor of his real property. If the debtor answer on the first summons in the *court of heritage*, and offer to renounce, the creditor, who, up to this time, has been *saisi mobilier*, is now constituted *saisi hérédital*. But if, which is generally the case, the debtor commit a default by not answering on the first summons, the king's sheriff is forthwith appointed in his place, and the process regularly

moves from stage to stage, whether the debtor be present or absent,—it being impossible to stop it for an instant by frivolous pretences, chicanery, or appeals, as only the legally ordained delays, which are all established solely to give the debtor time to recover himself and raise money to pay the debt, are admissible.

The process, after five defaults, which occupy from four to six months, is brought to a close by the debtor's being summoned, for the last time, to take back his estate and pay the plaintiff his due. If the debtor has been able, during the delay afforded him by the law, to recover himself, he pays the plaintiff, and the estate is restored to him. If, on the contrary, he cannot pay, the sheriff, with or without the consent of the debtor, who, however, is always summoned to be present for the purpose of counselling him, renounces in his stead, by which act the debtor loses his estate for ever, and the creditor is declared *saisi hérédital*. Still, the creditor does not become proprietor of the estate, by being constituted *saisi hérédital*,—he becomes only trustee to it in his own and the other creditors' rights,—the estate remaining in abeyance, to abide the final adjudication among the creditors, according to their right of priority and of registering against it, at the close of the process. Nor has he now, as he had while he was only *saisi mobilier*, a right to appropriate any part of the produce of the estate to the payment of his own claim, but is bound to let it out to the best advantage before the king's sheriff, to apply the whole profits arising from it to the general account of the *saisie*, and thus becomes responsible for them at the close of the process.

The interest, indeed, of the trustee, whether in his character of *saisi mobilier* or *saisi hérédital*, is of a very limited description, and restricted to the mere preservation of the property. He dare not, for instance, let, repair, or do any other act respecting it,

without the sanction of the court,—nay, he cannot give his assent to any public measure affecting the property, by which even its value would be considerably enhanced, and the mass of the creditors be consequently benefitted. Should he let, repair, or consent to any measure affecting the estate, without proper authority, he would commit what is technically called "*acte de propriété*;"—an act of ownership, and, if the other creditors insisted upon it, he might, for so doing, be declared *saisi propriétaire*, or proprietor of the estate, and as such become liable to the payment of all the debts.

The first measure of the *saisi hérédital* is to give notice at the porch of every parochial church in the island, on three successive Sundays,—in the public market on three successive Saturdays,—and by three insertions in the French local newspapers,—that he is about to open a "decret" or registry, at the greffe or record-office, in which all persons having demands against the estate are called upon to make an entry of the nature and amount of their claims. In the case of the "*Renonciation par loi outrée*," this registry is open for the space of forty days; in that of the "*Renonciation volontaire*," it is open for nine months,—within which respective periods all persons having claims against the estate are to register them, as at their expiration the registry is closed, and those who have neglected to enter their claims are for ever precluded from all hope of recovering them. From this exclusion, however, we must exempt the holders of perpetual rent charges due on the estate, who have six years allowed them, during which they can make their claims by registering them, but they lose all their arrears, and, if the six years elapse before they register, the rent is for ever extinguished.

As soon as the registry is closed, the *saisi hérédital* commences a process against the several creditors who have registered; the object of this process is to

call upon them to take the estate out of his hands and pay him his due, or abandon their respective claims to the property. He also institutes similar actions against all persons who have made purchases of real property from the debtor before the *saisie* commenced, but at a time when his estate was already incumbered by the registry of debts against it; these he calls upon to take the estate and pay him his due, or give back the purchases, whether of land or houses, or perpetual rents which they have made from the debtor. These processes, against both creditors and purchasers, proceed in the same regular way as did that against the debtor previously to his being dispossessed; and the same number of delays as were granted to him, that he might, if possible, save his estate, are now granted to the creditors or purchasers, that, before they renounce to their claims or purchases, they may have time to inquire into the nature of the sequestered estate, to ascertain its value, and to examine what is due upon it, in order that each one of them may be enabled to judge whether he can, by making himself "tenant" or "holder of the estate," and paying the claims registered before his own claim or purchase, save what is due to him, or the purchase he may have made from the debtor. These delays being the only ones that can be taken, they, so far from encouraging chicanery, constitute, by their being invariably fixed, the regularity of the process, and in that regularity is perhaps the best bulwark that could be opposed to all attempts at litigation.

After the fourth default, such of the creditors or purchasers as have not voluntarily answered before, are, along with the *saisi hérédital*, sent before one of the jurats, who is, *pro hoc vice*, styled "commis," or commissioner, for the purpose of deciding on the priority of their respective claims and liabilities. There they produce the different contracts or other documents under which they claim, or by which they

purchased. The question of priority is decided according to the dates of the registries. The first debts, therefore, in rank of priority, are generally wheat or other rents reserved as a perpetual charge on the estate, either at the time of its being sold to the debtor, or at some antecedent period,—the next may be rents settled upon it by the debtor himself, or debts registered against it before the *saisie* commenced, at the greffe or record-office, on the books which contain all the transactions of insular real property,—and the last are such debts as were never registered at the record-office, but merely entered on the “decret” or registry, opened by the *saisi hérédital*. The individuals composing the first and second of these classes of creditors, have in the same manner their respective rights of priority, in relation to each other, decided by the date of their registries, and if two or more of them happened to register at the same date, they are said to be “*en parité de droits*,” or in parity of rights; whilst the individuals composing the third class, having never registered, can have no right of priority over each other, but are all “*en parité de droits*.” The same rule holds good with regard to the purchasers of real estate, i.e., houses, lands, or perpetual rents; from the debtor, whose extent of liability to pay his debts or give up the property they have purchased from him, depends also exclusively on the date at which such purchases were registered.

The “*commis*,” or jurat, to whom this reference is made, having given in his report upon the priority of claims and liabilities, and the order in which the offer of the estate is to be made, the parties appear at the next *court of heritage*, when the report of the “*commis*” is read and the estate offered to the creditors or purchasers—the *saisi hérédital* of course included “*selon leur postériorité*,” or according to their posteriority,—the last registered, or those who have not registered at all, having the first offer of the

estate, on the condition of paying all the previously registered debts. If the first individual who is called upon declines the offer, his claim or purchase is gone, and all recovery thereof for ever barred. The estate is then offered to the creditor or purchaser next in date, and, if he decline to take it, then to another, and so on in retrograding rotation until at length some one of the creditors or purchasers, finding that he can save his claim or his purchase by accepting the estate on the stipulated conditions, stops the proceedings, and declares that he makes himself what is technically called "tenant" of the *saisie*. If two or more creditors, thus called upon to take the estate or abandon their claims, are "*en parité de droits*," and neither of them is willing to abandon his claim, they are to take the estate, and pay the debts upon it, at the *pro rata* of their respective demands.

He who makes himself "tenant" is thereupon declared *saisi propriétaire*, and, having paid off every debt anterior in registration to his own, he stands completely invested with all the rights of ownership enjoyed by the former possessor, but discharged from all incumbrances.

The court of heritage must be held by the bailiff and at least three jurats; the king's sheriff and three bordiers or free tenants must also be in attendance.

At the opening of the court, a summary of the contents of all contracts, for the purchase of houses or land, which have been registered at the record-office since the last sitting, is publicly read, which formality secures the purchaser, after the lapse of a year and a day from the date of the registry, against all claims to the property by "*retraite*" that might be made by the seller's relatives.

In this court also, the owner of a rent, due upon another's estate, who may have lost or mislaid his title-deed, may compel his debtor to come forward and "confess" owing the rent, in which case the act

reciting the confession answers afterwards every purpose of a title-deed.

MOBILIARY COURT.—In the mobiliary court, the parishes are divided into upper and lower. The lower parishes are St. Peter-Port, St. Sampson, and the Vale; the seven other parishes compose the upper. Sittings are held alternately, three times for each division; the first Monday being for the lower, and the second for the upper parishes. In the mobiliary court, all common debts may be sued for by way of summons, as well as all demands of rent, in the first instance. The initial act obtained against a debtor, supposing him not to answer, is *vers biens*, which was originally a point at which the creditor sent the king's serjeant to seize the personal property of the debtor, but it is now a mere form. If, after *vers biens*, the creditor or rentholder intends to proceed against the personal property or person of the debtor, the next act which he obtains is *vers arrêt*, which authorizes him to attach either; after which attachment the cause is removed to the admiralty court. If, on the other hand, the creditor intends to proceed against the debtor's real estate, he, after *vers biens*, obtains *vers exploit*, which formerly required the creditor, by means of the king's serjeant, to search the debtor's estate on three consecutive days, for the purpose of ascertaining whether he possessed any personal property which might be taken in execution, previously to the creditors being allowed to seize upon the estate itself; the *vers exploit*, however, which, it thus appears, was intended as a protection to the debtor's real property, has also degenerated into a mere form, though the king's serjeant must still report having gone three days consecutively on the debtor's premises before the next point, which is *vers saisie*, can be obtained. After *vers saisie*, the case is removed to the court of heritage.

SATURDAY COURT.—The Saturday court is held

from the second Saturday after the opening of the chief pleas, in January, to the Saturday before the holy week ; from the second Saturday after the Easter chief pleas to the 15th of July ; and from the second Saturday after the Michaelmas chief pleas to Christmas. Here all cases postponed from the mobiliary court, and upon which the plaintiff has not obtained *vers biens*, may be continued, and new actions, except for the payment of wheat or other perpetual rents, entered and carried as far as that stage.

ADMIRALTY COURT.—The admiralty court is so named, from its having been, in its origin, specially restricted to maritime cases, such as actions for sailors' wages, freights, insurances, &c. At present, its jurisdiction is far more extensive. All cases of emergency have the same privilege as maritime ones, particularly arrests, whether of the effects or of the person ; and as, by an order in council, dated 13th May, 1823, the effects of all persons, inhabitants as well as strangers, are now liable to arrest by warrant, the business of this court has of late years so considerably increased, as to absorb a great deal of the business of the Monday court, which is now principally confined to demands for rent-charges. Admiralty cases are tried at all times, in and out of term. The usual day is the Saturday, and this all the year round ; but they are also heard during term on every court day, after the special business has been settled, and extra days are sometimes appointed for hearing them exclusively.

The bailiff and two jurats suffice to hold the mobiliary, Saturday, and admiralty courts ; but at these, as well as at the court of heritage, where three jurats are required, any of the other jurats, besides those of the *quartier* or term, may assist. This circumstance, if it have its advantages, has likewise its disadvantages ; for it may happen, and, indeed, it has sometimes happened, that a judgment, after being given in one

of these courts, by a bench composed of from seven to twelve jurats, has been appealed from to the court of judgments, and been there heard (irreversibly, if the case was not susceptible of an appeal to council), by precisely the same, or perhaps a less number of jurats, —seven of them, as before stated, sufficing to compose the court of judgments.

The proceedings in all the courts are carried on in the French language; but English suitors are at all times allowed to address the court, or examine witnesses in the English language.

The bailiff generally comments upon the evidence adduced or the arguments employed, in the course of the pleadings, after which he calls on each jurat to deliver his opinion, and then pronounces sentence. The jurats express their opinions publicly, and the reasons upon which they are grounded, except in the court of judgments, when the bailiff and jurats, accompanied by the greffier, retire and agree upon their decision in private, and the greffier, on their return, reads the sentence in open court.

All cases are decided by a majority of the jurats' votes,—the bailiff only having a deliberative voice, except in the event of an equal division, when he has a casting vote.

The simplicity of the forms of pleading observed in all the civil courts above-mentioned, constitutes a marked contrast with the subtlety, ingenuity, and perplexity in which such forms are involved in most, if not all, the English courts. As this may appear a startling conclusion, it will be instructive briefly to exhibit the contrast. "The first great rule of pleading," says Lord Brougham, "should be to induce and compel the litigant parties to disclose fully and distinctly the real nature of their respective contentions, whether claim or defence, as early as possible."* But, in England, the defendant comes into court upon

* Brougham's speech in the house of commons on the state of the law.

a count of declaration, which conveys no precise knowledge of the plaintiff's demand. "Take for instance," observes the same high authority, "the common counts in Assumpsit, being those constantly resorted to; and take the most common of these, the count for money had and received. The plaintiff declares that the defendant, being indebted to him for so much money had and received to the use of the said plaintiff, to wit, one thousand pounds, undertook and faithfully promised to pay it, but broke his engagement; and the count is thus framed, the self same terms being invariably used, whatever be the cause of action which can be brought into court under this head. Now observe how various the matters are which may be all described by the foregoing words. In the first place the declaration is for money paid by one individual to another, for the use and benefit of the plaintiff; this alone is what the words of the count imply, but to express this they are rarely indeed made use of. Secondly, the self-same terms are used on suing for money received on a consideration that fails, and used in the same way to describe all the endless variety of cases which can occur of such failure, as an estate sold with a bad title, and a deposit paid,—a horse sold with a concealed unsoundness, and so forth. Thirdly, to recover money paid under mistake of a fact. Fourthly, to recover money paid by one person. Fifthly, to recover money given by one person to a stakeholder, in consideration of an illegal contract made with another person. Sixthly, to recover money paid to revenue officers for releasing the goods, illegally detained, of the person paying. Seventhly, to try the right to any office. Eighthly, to try the liability of the landlord for rates levied on his tenants. What information, then, does such a declaration give? It is impossible, on reading this count, to say which of the eight causes of action has arisen; and it is not merely those eight, for each of them has

a vast number of varieties, which are all declared in the same words.*

The same obscurity exists with regard to actions in *Trover*, *Torts*, *Trespass*, and others, in some of which the case is even worse than in *Assumpsit*. In fact, the entire system of pleading in the English courts of justice, if it does not countenance the *allegatio falsi*, most certainly sanctions the *suppressio veri*. No securities are taken to compel the parties to aver the truth; they enjoy, what Jeremy Bentham has called the *mendacity license*, and are enabled to put on record the grossest falsehood:—

"The legislature has never enumerated or defined the facts which give commencement, or put a period to, or violate rights; the subject, therefore, remains in a state of confusion, obscurity, and uncertainty. And, lastly, the parties do not make their affirmations or negotiations before a judge, who would tell them whether the facts which they allege could or could not have the virtue ascribed to them; they make them in secret and in writing, each of them along with his attorney, who has a motive not to make them in a way conducive to the interests of his clients, but in a way most conducive to his own interests and those of his confederates, from the bottom to the top of his profession. First, A., the plaintiff, writes what is called the declaration, an instrument for the most part full of irrelevant absurdity and lies; and this he deposits in an office, where the attorney of B., the defendant, obtains a copy of it, on paying a fee. Next, B., the defendant, meets the declaration of A. by what is called a plea, the form of which is not less absurd than that of the declaration. The plea is written and put into the same office, out of which the attorney of the same party obtains a copy of it on the same terms. The plea may be of two sorts; either, first, a dilatory plea, as it is called; or, secondly, a plea to the action. To this plea, the plaintiff may make a *replication*, proceeding through the same process. To the replication, the defendant may put in a *rejoinder*. The plaintiff may answer the *rejoinder* by a *sur-rejoinder*. This again the defendant may oppose by a *rebutter*, and the plaintiff may answer him by a *sur-rebutter*."†

In Guernsey these miserable devices are unknown, and the first great rule of pleading laid down by Lord Brougham is observed to the letter. The plaintiff, at the very outset, is obliged to serve on the defendant a copy of the declaration, in the form of a summons, in which he must disclose, fully and distinctly, the real nature of his claim, and in some cases add the reasons on which it is grounded. So particular, indeed, is the royal court in enforcing distinctness

* Speech on the state of law, pp. 70-71.

† Supplement to the Encyclopædia Britannica;—article, jurisprudence.

and amplification, that it is no unusual thing for a plaintiff to be sent back to reform or amplify his declaration before the jurats will entertain it. Both parties appearing before the court with a full knowledge of their respective positions, the case must, after two delays, which in most instances are allowed the defendant, come to a hearing. If the defendant mean to plead any objections in bar of the suit, they are at once heard and disposed of. If, on the contrary, the parties join issue on the merits of the case, and the question be neither intricate, nor such as requires witnesses to be heard, the court at once call on the parties and their counsel to plead, and then give their decision. If witnesses are required, a rule of court is granted, ordering them to be heard,—and if the case be complex and difficult, involving a multitude of facts for consideration, the parties are sent before one of the jurats, styled “*commis*,” who, after hearing them and their counsel, prepares a report, in which are recorded their respective pretensions and objections, and the written documents and evidence they intend to produce in the course of the suit: in this report the whole matter in dispute is so condensed as to present it to the court in the simplest form, and enable the magistrates to arrive at a decision without difficulty or confusion. The “*commis*” is always supposed to draw up the report; but this is not usual in practice, it being most frequently prepared by the advocates.

CRIMINAL COURTS.—*Court of correctional police*.—All cases of correctional police may be decided by the bailiff and two jurats. It is a settled principle with them, that they cannot condemn to any punishment exceeding one month’s solitary confinement on bread and water; but, in point of fact, they sometimes, by requiring petty offenders, who are likely to turn out bad subjects, to find bail for their future good conduct or leave the island, pass sentences which, in their

consequences, may be equal to a banishment of great, because of indefinite, length.

Cases of correctional police may be tried at all times. They were, until lately, disposed of before the special business of the day. This having long been felt to be an evil, as the time of suitors and their witnesses was not unfrequently lost, and important cases postponed, on account of some nocturnal brawl, or paltry dispute equally reprehensible,—the court, some time since, appointed every Thursday morning for the hearing of police cases.

Superior criminal court.—This court must be composed of the bailiff, or his lieutenant, and at least seven jurats. Before this tribunal are tried not only all cases of felony, burglary, and larceny, which alone may be regarded as strictly criminal, but also all cases of battery and assault, libel or slander; together with infractions of local ordinances, all of which must be regarded as of a mixed nature, being partly criminal and partly civil. In many criminal cases of slight importance, it is left to the prisoner's option to be tried by the court of correctional police. The trials before the criminal court can only take place in term, except the prisoner should, in order to avoid a long imprisonment before trial, petition the court to try him out of term, when, if the case be not a very serious one, his petition is granted; but, in matters of importance, as, for instance, in all cases when life may be at stake, the petition is seldom, if ever, acceded to. The superior criminal court is open the same length of time as the Saturday court.

As the forms of proceedings in trials where the crime may involve capital punishment, are peculiar to Guernsey, and not generally known by strangers, it may not be improper to present the reader with a brief sketch of them. The case selected for illustrating the system, being murder, it may be necessary to remark that all the proceedings, except of course the

inquest, are precisely similar in all cases of felony and burglary.

When a person has been murdered, or supposed to have been murdered, an inquest is held over the body by the bailiff and two or more jurats, who return a verdict in the same way as a coroner's jury in England.

If the suspected perpetrator of the deed is apprehended, he is brought before the court, which again need not be composed of more than the bailiff and two jurats, when witnesses are heard in private, and the reputed criminal also undergoes an examination. If, from the evidence adduced, there exist strong suspicions of his guilt, an indictment is drawn up, which is read to him, and the court proceeds to take his interrogatory in writing, which, it is explained to him, will be made use of on the trial. He is then committed.

On the next Saturday, if it be term time, the prisoner is brought before the criminal court, when his indictment is publicly read to him, and he is required to plead guilty or not guilty, and directed to choose one of the advocates for his counsel. Whether he admit, or whether he persist in denying his crime, he is sent back to prison, in order that witnesses may be examined. A day is then appointed for the examination of witnesses in support of the prosecution. The crown officers, as public prosecutors, are present at this examination, but neither the prisoner nor his counsel—a most unfair proceeding. The witnesses are introduced one by one, sworn, and the *greffier*, or clerk of the court, proceeds to set down their name, age, deposition, and answers to the questions that may be put to them by the crown lawyers and the court.

When all the witnesses for the prosecution have been thus examined, another day is appointed by the court for what is called the *recollement*, which means the re-examination of the witnesses, or verification of

the evidence. On this occasion the witnesses of the crown officers are called in singly, their depositions are read over to them, and they are required to declare whether they confirm what they have deposed, or whether they have anything to add, to modify, or to retract. This also is a private sitting, at which neither the prisoner nor his counsel are present.

The next proceeding is the confrontation of the prisoner with the witnesses. This usually, though not necessarily, takes place on the same day as the *recollement*. The witnesses are called in, one by one, and the prisoner is asked whether he objects to the witnesses; if he answers in the negative, their depositions are read, and the prisoner, assisted by his counsel, puts such counter-questions as he may deem proper; the court and crown lawyers may also again interrogate the witnesses. After the confrontation is terminated, the prisoner's counsel may demand to examine witnesses in behalf of the prisoner; but he must state the particular facts which he is desirous of proving, and the court decides upon the propriety of admitting or refusing such evidence. If the prisoner's demand is granted, another day is appointed for examining his witnesses.

When all the examinations have taken place, an authenticated copy of them is furnished to the crown officers, and another to the prisoner's counsel.

On the day of trial the court must be composed of the bailiff, and at least seven jurats; and, as any of the jurats are at liberty to sit on the inquest and be present at the committal of the prisoner, and the examination of witnesses, although only two are absolutely necessary, it may, and does not unfrequently happen, that most of, if not all, the jurats, who sit at the trial, have assisted at the previous proceedings, and are, therefore, in possession of all the facts of the case, before the trial, strictly so called, commences. This is to be regretted, for it is impossible to conceive

that any body of men sit, as a coroner's jury, on an inquest,—act as grand jury in finding the bill against the prisoner,—assist in framing the indictment,—receive the evidence of the witnesses at the first examination, then at their verification, and finally at their confrontation,—it is, we say, impossible to conceive they can go through the whole of these proceedings, and yet come into court on the day of trial with their minds unprejudiced and unbiassed.

The indictment, the prisoner's interrogatory, and the depositions of all the witnesses are read; after which, and *before* hearing what the crown lawyers have to allege in support of the prosecution, the prisoner's counsel is obliged to enter upon the defence. The king's procureur, or attorney-general, then follows, and at the close of his speech, in which he attempts to establish the guilt of the prisoner, he states what sentence, in his opinion, ought to be given: this part is technically called "*les conclusions des officiers du roi.*" The king's comptroller, or solicitor-general, also speaks in support of the prosecution, and also gives his "*conclusions,*" which, generally, though not necessarily, are the same as those of the procureur. The bailiff then sums up the evidence in a charge, which he delivers to the jurats,—after which each jurat, from senior to junior, publicly states his individual opinion, and the sentence is decided by the majority. Should there be an equality of opinion, the bailiff has a casting vote. There have been cases where the life of a prisoner has been wholly at the mercy of the chief magistrate.

The bailiff communicates the sentence of the court to the prisoner. That sentence is final and irreversible, nor is there any necessity for reporting the proceedings to the king before it can be put into execution, except where it may appear to the court that the criminal, though found guilty, is a fit object for royal clemency, in which case the execution of

the sentence is to be deferred till his majesty's pleasure is known.*

It will no doubt have struck the reader that the method just described of obtaining evidence in criminal cases is at once unfair towards the prisoner, and ill calculated to promote the ends of justice through the elicitation of truth. It is unfair towards the prisoner, inasmuch as neither himself, nor his counsel, is allowed to be present until the examination in chief has, in point of fact, been brought to a close; whilst, at the same time, the crown lawyers, who are the prosecutors, are present at every sitting. It is ill calculated to promote the ends of justice, because, besides its affording no facility for the elicitation of truth, it is impossible for the judge to form so correct an estimate of a written deposition, read to him in the absence of the witness, as one delivered to him *vivâ voce*; for, in the latter case, he can form some judgment of the value of the testimony by the mode in which it is delivered,—but in the former, none. Neither the prisoner nor his counsel being present whilst the evidence is being taken, the only opportunity afforded them for cross-examining the witnesses is on a subsequent day, when, after having had read to them depositions which may have been given with much hesitation on the part of the witnesses, and which it may have required an hour or more to extract from each of them and reduce into writing,—after hearing these fluently and with due emphasis read over to them in the short space of a few minutes, and without having that time and opportunity to consult on the cross-questions, which a lengthened *vivâ voce* examination would invariably afford,—they are bound at once to cross-examine the witnesses. Such a cross-examination, if it can with propriety be so called, must of course, in every instance, be very imperfect and unsatisfactory.

* Order in council, Nov. 30, 1699.

That this method of examining must be regarded by the royal court itself as objectionable, is evident; for, in the *observations* presented by them to his majesty in council, and dated November 28, 1817,—observations which had been called forth by the report of his majesty's commissioners, who visited the island in the preceding year,—adverting to the practice of taking evidence in writing in civil cases, they state:—“Depositions in writing are very tedious, expensive, and not so well calculated for the investigation of truth as the cross-questioning of witnesses at the time of trial.” However, in all civil cases, in which the decision may be appealed from to her majesty in council, it is absolutely necessary to take down in writing the depositions of the witnesses, as they cannot by any process be compelled to leave the island for the purpose of deposing in an English court; but in criminal cases it is otherwise, as no appeal lies from the decision of the court of Guernsey, and, in the event of a recommendation to mercy, or other similar occurrence, the notes of the president might suffice. The evil in question has long been felt and acknowledged, but, as in every thing else, it is clamoured against and talked of only when some remarkable trial forms the theme of conversation, and is afterwards lost sight of until some fresh event brings it again in all its hideousness before the public eye. It were, therefore, greatly to be desired that advantage should be taken of a moment when public feeling is not highly excited, and when a change can be reflected upon with calmness, for the purpose of operating such a reform in the mode of taking evidence in criminal cases as would at once afford the prisoner a fairer chance of establishing his innocence, and the judge a better opportunity for the investigation of truth.

The proceedings in all criminal cases where the punishment cannot extend to the loss of life or limb, or to perpetual banishment, are, with the single ex-

ception that the evidence is taken *vivd voce* on the trial, carried on in the same manner as in cases involving capital punishment.

In prosecutions for libel, slander, battery, &c., which are of a mixed character, being partly civil and partly criminal, the crown lawyers are adjoined, the one to the plaintiff, the other to the defendant. They are so adjoined in order to represent *la partie publique*, and to require, in cases where, besides the injury done to one of the parties, the public peace has been broken, that the party at fault shall not only pay damages to the party aggrieved, but be mulcted in a fine to the king. But, in point of fact, the two crown lawyers are at present retained and paid by the litigants, and, therefore, merge the character of public representatives in that of mere private counsel, the plaintiff and defendant being still at liberty to employ an advocate to act conjointly with the crown lawyers. The results of this system are, that each crown lawyer, though supposed to act in a public capacity, invariably calls for a verdict in favour of the party to whom he is adjoined,—that the interests of the public are treated as a matter of no moment whatever,—that the fine to the king is in every case so very trivial as seldom to be more than nominal,—and that, when both parties have been so at fault that no damages can be awarded to either, the prosecution is quashed without civil damages being levied on either, and without a fine to the king,—in other words, when the public peace has been broken by only *one* party, the community, represented in the person of the sovereign, is deemed entitled to a fine; but when it has been broken by both, it is deemed entitled to none!

SECTION THE FOURTH.

PAROCHIAL ADMINISTRATION.

THOUGH Guernsey does not possess any MUNICIPAL CORPORATIONS, yet each parish has its own local ad-

ministration, executed by a body of men elected to office for life by those who are rated to the taxes. These functionaries constitute the douzaine, and they discharge many and important duties. As the rural douzaines, each in its respective district, exercise a power in almost all respects similar to that wielded by the douzaine of the town parish, a description of the latter will suffice to make the reader acquainted with the general working of parochial administration throughout the island.

The douzaine of the town parish consists of twenty members,* elected in the manner already stated, but no one is eligible who has not previously discharged the office of constable, and even having so served, he may be, and is occasionally, passed over. The douzeniers are, in a general sense, conservators of the rights of the parish, and for parochial purposes are allowed, by a deliberation of the parish, to expend for any one object the sum of fifty pounds sterling at their own discretion. They fix the rate at which each parishioner is to be assessed to the parochial taxes; but if any person feels himself over-assessed, he may remonstrate, and, unless fraud or falsehood be apparent, his proportion is always diminished. In the formation of streets or roads within the parish, the douzaine fix the boundaries, or give, what is locally termed, *les bornemens*. When it is found desirable to widen a thoroughfare, if a house be pulled down, or its front changed, the douzaine also prescribe the new limits. They superintend the lighting of the town, the construction and repair of drains, and other objects of a similar nature.

The *senior* of the two constables presides over all the meetings of the douzaines. These constables are elected by the rate-payers, and must serve for one year, although their term of office is usually about

* In the Vale parish there are sixteen douzeniers, and in the remaining eight *contry* parishes only twelve, as the word properly signifies.

fifteen months, and they may continue, if they wish, three years, at the expiration of which they may be re-elected. The assistant-constables, of whom there are four, are nominated by the douzaine, and are sworn into office by the royal court, as well as the constables. The duties of these officers are sufficiently indicated by their names; but it is important to observe, especially to an English reader, that, like the bailiff, the constables, in Guernsey, rank much higher than officers of the same name in England, as they are not only members of the states and treasurers of the parochial funds, but they relieve poor strangers, and perform several other trustworthy functions.*

The constitution of the douzaine is extremely defective. The election of its members for life is a political absurdity, as they thus cease to be responsible to the parishioners from the moment they are installed into office. To ensure efficiency and accountability, a proportion of the douzaine ought annually to retire, leaving it optional with their constituents to re-elect or reject them. By this system the members would be under the controul of the parish, but the nomination for life leaves them at liberty to act according to their own caprice. Moreover, it is a severe hardship to compel a man to remain in office against his will, till the age of sixty, when he is allowed to resign; but then the best part of his life is exhausted.

The mode in which the assistant-constables are nominated, is replete with injustice. Those officers are taken from the class of small tradesmen, whose time forms their principal capital. They receive no remuneration whatever, and are constantly exposed to the casualty of maltreatment by the disorderly and vicious, whom it is their duty to apprehend. The

* When the cholera broke out in the island, the royal court increased the constabulary force by creating, of its own authority, extra special constables. These ceased to exercise office when the pestilence disappeared, but they were re-instated in their functions shortly afterwards, in consequence of the great influx of bad characters from England, who committed many and serious depredations. They have since remained a permanent body, and it may be feared will usurp the rights of the parish, which alone has the right to nominate constables.

douzaine never appoint any of the idle rich, who would deem the situation beneath their dignity, but invariably throw the burden on the industrious, least able to sustain its weight; certainly the office is not one that comports with the feelings, education, or manners of a gentleman, but the wealthy, as a compensation for being relieved from this disagreeable task, ought to pay an annual sum for a salaried police, which, being permanent, though, of course, liable to dismissal, on proved malversation, would be infinitely more efficient than the present assistant-constables, who enter office without any knowledge of its duties, and retire at the moment when they have become qualified for the task.

The poor are provided for by two hospitals, one in the town parish, the other in the parish of St. Mary de Castro. The foundations of the former were laid in 1741, and the building was completed in 1742. It is under the direction of a treasurer, vice-treasurer, six directors, and six collectors, elected by the rate-payers. With the exception of the receptacles for the lunatics, its interior economy reflects great credit on the management, and we cordially unite in the following testimonies in its favour:—

"On entering the hospital, a visitor cannot avoid being struck by the decorum, the cleanliness, the industry, here apparent, and but too often strangers to such establishments. On a very minute examination of every part of the building, at a moment too when the inspection of a stranger must have been utterly unlooked for, it would be withholding due praise from merit, not to declare, that the Guernsey town hospital is in a state of perfect good order, and probably as well conducted as any similar establishment whatever."—*Quayle*.*

"The Bishop of Salisbury bestowed the highest encomiums on the officers of the institution, for the cleanliness and order which reigned throughout, and the progress and moral instruction of the children."—*Jeremie*.

"On entering the doors of this excellent charity, the casual visitor is delighted to observe the air of general comfort, the order, cleanliness, decent clothing, the wholesome substantial food which attract his eye: the day rooms in winter are warmed with a cheerful fire, and in summer are well ventilated; the sleeping rooms are large, and free from all smell: the bedsteads iron, and free from dirt; the bed-clothes sufficient; the linen good; water, by means of pipes, is brought to the door of every room, which is frequently washed; and clean linen is served out to each inmate every Sunday; but to the sick, who are placed in separate

* General view of the agriculture and present state of the islands on the coast of Normandy, subject to the power of Great Britain, drawn up for the consideration of the board of agriculture and internal improvement, by Thomas Quayle, esq. London, 1815.

wards, more frequently. The kitchen is on an improved plan, after the principle of Count Rumford; and the washhouses are well contrived, as are also the brew-houses and laundry; there is an open space of ground in front, and a court-yard behind; and there are two gardens nearly adjoining the house, which, in part, supply it with the needful vegetables, and some fruit; the spring water is plentiful and excellent."—*Berry*.

The following are the conditions on which the poor are admitted into the town hospital:—

"Firstly,—That they quit, yield, and give over and convey, for themselves and their heirs, wholly and for ever to the directors of the said hospital, who accept for themselves and their successors in perpetuity, all and every, the moveables and immoveables which may belong to them at the time of their admission into the said hospital, without any exception or reservation, that such property, whether moveable or of inheritance, be employed for the service, utility, benefit, and advantage of the said hospital."

"Item.—That if, during the residence of any pauper in the said hospital, there shall devolve to him or be given to him, in any manner or shape, any property or revenue, whether rents, houses, or lands, sums of money, household moveables, or any goods of whatsoever nature they may be,—and that notwithstanding such devolution or gift, the said person should wish to remain and continue and dwell in the said hospital, that then, and in such case, the said person shall cede and transfer to the said hospital such devolution or gift. But, if the said person shall wish to quit the said hospital, it shall be allowed for him so to do without making any transfer or devolution of such gift, provided always that the said person reimburse to the said hospital the expense to which he or she may have subjected the said hospital."

"Item.—Whoever shall be admitted into the said house of charity, or be supported by it, of whatever age or sex they may be, shall submit to the exact observance of the rules, orders and statutes of the said house; and, moreover, shall oblige and bind themselves, if they are of mature age; and, if minors, by their fathers or mothers, guardians or governesses, to employ themselves in such occupations or trades, to undertake such works, and perform such duties or services, whether within or without the said house, which shall be ordered suitably to their age, sex, condition, and capacity, by the directors of the said house."

"Item.—When any father, mother, guardian, or other person legally authorized to that effect, shall place any minor in the said hospital, it shall be lawful for the directors of the said hospital ultimately to dispose of the said minor, either by putting him into apprenticeship or service, in the manner and for the time that the said directors may deem proper, without any power to the father, mother, or guardian, of taking away such children from the hospital, or of disposing of them themselves. And every person who shall be admitted into the hospital shall be bound to continue as long as the directors may deem it proper, without it being lawful for such person to remove from the said hospital without the permission of the treasurer and directors."—*Deliberation book*. Letter A., p. 13.

By a decision of the royal court of the 30th of October, 1787, it was decided that the country hospital should receive two-thirds of the wives, widows, or children of soldiers who might have been sent to the island for its defence, and who, by their death or departure, had left their wives, widows, or children, without any means of subsistence.

ANNUAL REVENUE OF THE TOWN HOSPITAL.

Rents due in wheat	Qrs. bush. den.	326	0	5	Capons	3
Rents due in cash, payable at 14 livres tournois per quarter	Liv. sols. den.	274	15	0	Fowls	6
£3,000 consols, 3 p. cent. 90		0	0		Gros d'Argent	5½
£200 3½ New		7	0	0	Etelins	2
					Ecu Monnoie	1
					Obole	1

STATEMENT OF THE INMATES FOR THE YEAR 1840.

STATEMENT.	MEN.	WOMEN.	BOYS.	GIRLS.	TOTAL.
Inmates on the 31st December, 1839	93	103	44	34	274
Admitted during the year 1840	121	100	34	27	282
Born			2	2	4
Discharged, escaped, or expelled	104	71	33	25	233
Indentured			6	2	8
Died	12	15	2	2	31
Average number for the year 1840	92	101	40	34	267
Remaining on the 31st December, 1840	96	117	41	34	288
Besides two masters and three mistresses	2	3	—	—	5

The total expenditure for 1840 amounted to £4,358 8s. 5d.

The building of the country hospital was commenced on the 16th of April, 1752, and it was completed in November, 1753. It remained unoccupied till June, 1756, when some old invalid soldiers, sent for the defence of the island, remained there during the seven years' war, and left it in 1763. After the building was repaired, for it seems to have been damaged during the sojourn of those troops, the poor of seven rural parishes were admitted on the 7th of December, 1764. In 1800, the walls of the store were built with stone. In 1810, a barn and cart shed were added. In 1811, a granary was constructed. In 1816, new stabling was erected. In 1818, a corn mill was built. In 1819, a sifting machine. In 1822, new cells and stabling, and in 1824, the north wing were added. In 1830, 31, and 32, new buildings were constructed for the classification of the inmates. The present kitchen dates from 1834. The number of inmates, of all ages and sexes, now averages one hundred and forty-six. If an inmate dies possessed of any property, it is inherited by the hospital.*

* In the chapter on the "Climate and Diseases of Guernsey," the reader will find further information on these establishments.

CHAPTER IX.

NATURAL HISTORY.

THE island, the natural history of which we purpose to examine, contains a variety of soils, vegetable productions, and mineral beds, not unworthy of being detailed in a separate chapter.

To enumerate these by simply giving a dry catalogue of substances,* would not serve the purpose of the general reader, and it has been thought better to give a descriptive view of Guernsey and its neighbourhood, in the form now adopted.

The Channel Islands may be considered placed within the range of the primary formation, which bounds the atlantic shores of France and the western counties of England. They may be described in relative position as forming a triangle, having Alderney at the northern apex, Jersey at the southern, and Guernsey will be found at the extremity of the western. Within the area of this figure the whole group will be contained.

The geological relation of Alderney and the rocks to the westward, as far as the Casket lights, may be stated to be a part of the primary rocks, which extend over the promontory of *La Hogue*, in France. They are chiefly of primary sandstone, greenstone, and syenite. The first, however, must not be confounded

* Many catalogues of natural productions have been published, but they appear to have been written in too careless a manner. To correct them would have necessitated a republishing of errors, and it has been considered best to mention only a few species, which are more rare or entirely absent from the English fauna. We also subjoin a list of shells, which, though not complete, will be sufficient for those engaged in this branch of natural history.

with the sandstone of Cherbourg, although only separated from it by a body of primitive rocks, not many miles in extent.

Alderney presents a high and abrupt cliff to the south, sloping down towards the north and east, where sandy dunes and bays form the coast line. Occasional beds of porphyry also traverse the island.

In Jersey, red coloured granite and syenite predominate and form the lowest body of rocks, upon which an argillaceous class of substances reposes. This is succeeded by a considerable mass of hornstone and conglomerate, running to the north-eastward.

The structure of Sark differs from the rest in having syenite at both extremities, between which is interposed, forming the bulk of the island, a large mass of schistose rocks, associated with the gneiss of Guernsey.

Guernsey is formed of gneiss, lying upon a base of granite or syenite, limiting the latter term to the primary rock of that name. These islands, although strictly primitive, differ from each other in their mineral character. Jersey is elevated on its northern side, where it presents a bold and rocky outline. That island declines to the south and east, where are extensive flat bays, interrupted by groups of low rocks, which are mostly covered at high water.

With the exception of Sark, the remaining islands decline towards the north, having their southern limits formed of high projecting rocks and precipitous cliffs.

In Jersey, the syenite is of a pleasing reddish cast and passes into the grey and white varieties. It forms an excellent building stone, which is raised in large masses, fit for all purposes. In Guernsey, Herm, and Sark, this rock is of a brilliant blueish grey colour, extremely hard and ponderous; its resistance to atmospheric influence is great, and it may be used advantageously where great friction is required; it undergoes no change when exposed to the

action of the sea or running water, and it has been found to resist greater pressure than the ordinary granites of England or France. The dark blue varieties of Guernsey are still in great requisition, and form, with the hornblende rocks of the Vale, the chief material raised for exportation.

The following table, showing the result of experiments made under the direction of Mr. Walker, on the wear of different stones in the tramway on the Commercial-road, London, from 27th March, 1830, to 24th August, 1831, being a period of seventeen months, is extracted from the *Mining Journal* :—

Name of stone.	Sup. area in feet.	Original weight.		Loss of weight by wear.	Loss per sup. foot.	Relative losses.
		cwt. qrs.	lbs.	lbs.	lbs.	
Guernsey.	4·734	7	1 12·75	4·50	0·951	1·000
Herm.	5·250	7	3 24·25	5·50	1·048	1·102
Budle.	6·336	9	0 15·75	7·75	1·223	1·286
Peterhead (blue)	3·484	4	1 7·50	6·25	1·795	1·887
Haytor.	4·313	6	0 15·25	8·25	1·915	2·014
Aberdeen (red)	5·375	7	2 11·50	11·50	2·139	2·249
Dartmoor.	4·500	6	2 25·00	12·50	2·778	2·921
Aberdeen (blue)	4·823	6	2 16·00	14·75	3·058	3·216

Much confusion having arisen from the misapprehension of Dr. Macculloch's remarks, as well as the particulars communicated by Mr. Charles König, on the geology of the Channel Islands, which have been so often copied and published, it may be necessary, therefore, to mention, that the secondary rocks are entirely absent from our coast. No fossil remains are found in any of the rocks, and lime is only discovered in small veins of calcareous spar, never exceeding six inches in breadth, traversing some of the rocks of the gneiss series, in Guernsey, or filling the cavities of the argillaceous strata, in Jersey.

It is equally erroneous to consider the coast of St. Michael's bay as belonging to the secondary formation. The continuous range of the primary section may be traced along the coast, from *La Hogue* to St. Malo, and thence to the promontory of Brittany. The few

substances, of more recent date, which have been picked up at various places in the Channel Islands, must be considered as adventitious or transported materials. The nearest secondary rocks on the continent of France are those belonging to the Caen bed, which joins the carboniferous strata of the Loire; and, with the exception of the few superior patches of the tertiary deposit, found in the vicinity of Rennes, there is not a rock where a practical geologist would expect to find substances characteristic of the secondary division of the earth's surface.

The pretended fossil remains said to be found in the island of Jersey have nothing in them organic, and may all be traceable to some crystalline varieties of felspar, agates or conglomerates.

The town of St. Peter-Port, on the east side of the island, was first built at the foot of the hills near the sea line, and extends through a glen, formed by the elevation of the syenite and hornblende on the north side, and the commencement of the gneiss on the south. Its original limits are not easily defined; remnants of a strong wall on the sea side are occasionally found beneath the houses and stores which form the eastern side of High-street, and probably the ancient barriers, still seen in several of the streets, mark the line of *boulevards* which surrounded the town.

The hills rising above the glen are at present covered with buildings, ornamental gardens and spires, extending about a mile to the westward. To the south, the high grounds afford shelter to the town, and the military station of Fort George on the summit commands a fine view. The scenery here forms a pleasing *coup d'œil*, not surpassed by many. The harbour lies at the foot of the hills, and has the islands of Sark, Herm, and Jethou in front, with the isolated fort of Castle Cornet, at a short distance, which flanks the roadstead on the south.

The harbour of St. Sampson, also situate on the east side of the island, owes its importance to a commodious harbour, and to its proximity to the granite quarries in the neighbourhood. These two places form the only commercial ports in Guernsey.

The town of St. Peter-Port, as before observed, lies partly in a glen, leading up by several narrow vales, to the west of the parish. In the bed of this glen, intervening between the syenite and the gneiss, serpentine makes its appearance, and is found running beneath the town in a direction eastward, towards Castle Cornet, and skirting the syenite and hornblende rocks near the port. The presence of this rock will account for the various intermixtures observable in both the gneiss on the one hand, and the amphibolic rocks on the other. The serpentine passes insensibly into a talcose schist, and with the others forms a transition into chlorite and greenstone. The high grounds of the south are composed of gneiss and other associated rocks of that series. The whole of this elevated portion of land may be considered as forming the bulk of the island.

This general aspect of the principal rocks composing Guernsey may be sufficient for a view of its geological structure, and its mineralogy will be best detailed in a synopsis of rocks found there. It may, however, be proper further to remark, that the elevated portions of the south are pleasingly diversified by short glens, tending suddenly to the sea on the one hand, whilst, on the other, they are seen gently winding along the high grounds, forming those numerous valleys which, for some miles, contribute so much to the picturesque appearance of the interior.

The northern portion of Guernsey, which we shall now examine, appears at first sight low and flat. In traversing the two parishes composing this division of the island, a number of elevated cairns or hougues, as they are called, dispel the first impression, and the

Vale and St. Sampson parishes will, on a closer inspection, present some of the most pleasing and diversified views in the island.

The geological character of the space under review must be considered as that where the lowest rock appears, and on which the whole of the superstructure of the island may be said to repose.

Granite, in all its varieties, prevails over this portion of the island. The western coast presents an uninterrupted band of syenitic rock to the ocean wave. Near the bays of Cobo and Albec it is found of a red colour, traversed by veins of epidote and richly coloured felspar. This rock is succeeded in the neighbourhood of Noirmont, by the grey and blue varieties. From the point of Rousse to the north-west angle of the Clos du Valle it is of the finest and most brilliant quality, so much esteemed for the construction of national edifices and monuments, and it is here worked and raised in blocks of considerable magnitude. The most northern range of rocks is composed of nearly the same ingredients, varying only in colour, by the presence of a greater or lesser quantity of hornblende.

Hornblende rock next follows, and it is found, both in its amorphous and schistose structure, extending along the east coast towards the town, the syenite only occasionally making its appearance where the stratum is upraised.

In describing the rocks to the south of Guernsey, composed chiefly of gneiss and its accompanying strata, it is too obvious to require any caution in examining the coast line. The student will, however, find among the pebbles on the shores, the copies or counterparts of the two grand divisions of the island. Rolled fragments of granite, gneiss, micaceous, chlorite, talcose, hornblende, and actinolite schists, with serpentine, hornstones, and greenstones, as they occur, will furnish him in a cursory search with this information ;

but he will have full employment for his hammer in the examination of the varied mixtures and transitions which so exposed a coast can afford. In cases of doubt, recourse must be had to the geological connexions of the rocks in the neighbourhood.

The hills of the island attain their greatest altitude on the south line of coast, which may be stated at three hundred feet high ; their sides are irregular and abrupt, and rendered the more bold by the numerous promontories which stretch beyond the main land into the sea. The cliffs are in many parts nearly perpendicular, and thus expose their stratification and structure ; sometimes they are sloping, but studded with projecting rocks and pinnacled masses, often extending far into the sea and rendering this line of coast nearly unapproachable to friend or foe.

It is on this side that the alternations and passages of the intruding series of rocks which accompany the gneiss can best be studied. Some interesting examples may be viewed, particularly in the neighbourhood of *Les Thielles*, in Torteval parish. Here alternating lines of the dark strata may be seen traversing the cliffs of reddish gneiss, and in the bay of *Bon Repos* they are found in every possible state of disturbance. They are observed to issue from near this spot, and intrude their dark streams into the main body of gneiss, in all directions. The boisterous tides which beat along the coast, among these rocky masses, wear away the softer portions ; the sea becoming confined in narrow limits, rushes with impetuosity through the dikes thus formed, and presents one turbulent and fearful line of shore.

Amidst these scenes are observed, particularly in the breeding season, numerous aquatic and other birds.

Passing along the numerous ravines and projecting headlands, there is little to attract the attention of the casual observer, beyond the repetition of the scene just described. Nothing is seen but the common

appearance of nature, disturbed by convulsions, long passed away, or by more recently fallen masses strewed in all directions. Here, as in other places, (of the primary formation,) the island presents a desolate outline. The covering of soil along this coast is barely sufficient to procure a scanty footing for the roots of the furze or heaths which inhabit these exposed situations. The little glens and ravines which intersect the cliffs, are supplied with small but rapid streams, which rush down their beds to meet the tide below. Vegetation there is more luxuriant than on the summits, and various plants are found to thrive well, adorning and balming these lonely regions. No trees of any kind are to be seen, except in the distance, where the dwellings of the peasantry become apparent; here the stunted elm and thorn first strive to face every rude blast from the western sea. Exposed to the cutting wind which sweeps along this coast, they show, by their scathed tops, the tribute paid for their temerity. A few miserable sheep wander on the sides of the hills in search of food, so far as the tie of the *cyperus longus*, twisted rope fashion and fastened from leg to leg, will allow them.

This line of coast is, however, replete with interest and amusement to the painter and the naturalist. The facility of examining the structure of rocks, afforded by the deep sections of the cliffs, the alternations of strata and other changes, will render this scene a source of great delight and instruction. The artist will also find abundance of bold rocky scenery to employ his pencil to advantage, and the botanist enough to repay him for his fatiguing ramble along this coast. On the other hand, these apparently barren rocks and pinnacled masses will be found clothed with the most rich and luxuriant mosses and lichens of every hue and dye; not a spot but offers a pleasing study in one of the most interesting divisions of the vegetable kingdom.

So admirably has nature adapted her works, that scarcely a slab or block is to be found, even in the most exposed and blighting situation, but produces a varied garment of these diminutive plants,—a site thus aptly conditioned to their growth and increase.

The gneiss cliffs continue to range towards the western extremity of Guernsey, where they become less accessible to the rambler, but presenting from their summits many a favourable example of the same bold and picturesque scenery.

The elevated hills thus described break into numerous slopes and glens, leading in a northerly direction; from hence are derived those tortuous valleys which produce that diversified and rural scenery which is found in the centre of the island.

The drainage of the lands tends into these valleys, and forms the rivulets which meander through the meadow-lands and produce a constant supply of moisture to the interior.

To a generally salubrious climate, it may be stated that there are few places better supplied with springs and fountains of delicious water for every purpose of life.

The termination of the hills and valleys on the western side opens into a succession of sandy bays, pleasingly diversified and broken by several tongues of land and rocky eminences. Some of the bays are of considerable extent, and continue for some miles to line this coast, until they gain the first division of the island already described.

From Rocquaine to Vazon bay, by the road leading to the C  tel church, will be exposed to view a series of landscapes of considerable beauty, which continue to increase in interest as you approach the suburbs of the town of St. Peter-Port.

The distinct minerals which enter into the rocks composing the island of Sark are referrible to the several varieties which belong to the series in the

gneiss district; they may, however, be found in all their gradations, from their simple state to those combinations of a more intricate kind, which that body of rocks so frequently exhibits. The intimate connexion between the rocks of the intruding series affords, within a short distance, frequent intermixtures and insensible changes, highly interesting to the mineralogist. The main body of that island being composed of the strata here alluded to, comprises in its range every mixture of micaceous schistus, with those of hornblende, actinolite, chlorite, talc and potstone. It is owing to this frequent interchange of ingredients, that so few geologists have been agreed in describing the character of the rocks of Sark. Its metallic veins are rich and abundant; copper and silver lead ores are found at very shallow levels; they were commenced being wrought in the year 1835, and at present afford a fair and promising hope of success. These metals have been found in a varying state of combination, some of rather a rare description, and it is expected that, when greater depths have been attained and the alloys are better known, the result will prove a lucrative undertaking. The syenitic rocks of the north and south extremities are clear and brilliant in aspect; they contain more metallic indications than similar rocks in the other islands, but have not been, as yet, worked for any purpose. The wants of the islanders, for building purposes, have hitherto been more freely supplied by the schistose rocks, the fissile tendency of which afforded them a ready and useful stone.

The syenite of Herm is a free and valuable stone which has been worked to a considerable extent, and has supplied the London market with vast quantities of a good, hard, and ornamental stone. A copper vein has recently been worked here.

The simple minerals which enter into the composition of the primary rocks connected with these islands

are too well known to require a description, but it is in some of their associations and combinations that the eye of the mineralogist becomes exercised. Mineralogy, properly speaking, is of more importance in the study of the primitive rocks, than in the examination of secondary or recent formations. In these last, zoological inference supplies its place, and organic remains become the indices by which their characters are best defined. The secondary rocks being entirely absent, the student will meet with little to attract his attention in this respect, although he may occasionally find scanty and insignificant portions of recent formations dispersed upon the surface, even where nothing can point out to him the means of their transport. Flint and chert nodules, containing impressions of shells, &c., are frequently discovered beneath the soil, in places which preclude the probable transport by the hand of man. These traces of secondary matter are not unfrequent upon the denuded summit of the gneiss of the south.

The two principal divisions of Guernsey having been considered, the following synopsis of the rocks of each will not be found superfluous.

ENUMERATION OF THE ROCKS AND THE MINERALS WHICH ENTER INTO THEIR COMPOSITION, COMPRISED IN THE NORTHERN DIVISION OF THE ISLAND.

1.—A confused intermixture of felspar, quartz, and mica; its texture depending on the relative magnitude, colour, and proportion of each ingredient. Granite—example: Grand Havre, Vale, and north-west coast.

2.—A uniform mixture of the same ingredients; quartz and felspar of the same aspect and colour, and influencing each other's forms; glassy, and not easily distinguishable from each other; the quartz impressed by the foliated structure of the two associated minerals. Example: Vale church and Mont Crevel quarries.

3.—Idem, of a finer texture; the felspar brilliant and transparent, with hornblende and mica sparingly dispersed throughout the mass. Example: Noirmont and Grand Havre.

4.—Compound of felspar, quartz, mica, and hornblende, usually a fine intermixture, forms the syenite of the Vale: occasional specks of chlorite and compact felspar superadded. Example: l'Ancrese and northern shore. The front elevation of the royal court-house (above the plinth) affords a good specimen of the finer variety.

5.—Felspar well defined, having an oily aspect; quartz, brilliant, and glassy; hornblende exceeding the mica in quantity. Syenite—example: Mont Crevel and Vale.

6.—Coarse intermixture of felspar, quartz, and mica; hornblende scarcely found in the mass; felspar, dull and mixed, with the compact variety; quartz,

transparent and somewhat coloured; mica, intensely black, uniformly dispersed. Example: Mount Cuet, Vale, and the pillar of the pump to the eastward of the town church.

7.—Irregular mixture of the same ingredients; felspar and quartz exceeding in quantity, and of a dull aspect. Example: north-west quarries, l'Ancreasse.

8.—Modifications of the same minerals, with red coloured felspar; compact felspar, and hornblende in regular crystals. Example: Noirmont, *Grand Rocques* barracks.

9.—Idem, with epidote, tourmaline and chlorite. Example: ditto.

10.—A fine granular stone of quartz and felspar coloured, forms veins in the syenite, and easily passes into some varieties of hornstone. Example: Mont Crevel and l'Ancreasse.

11.—Quartz and felspar highly charged with hornblende, and passing into the dark blue paving stone of the Vale.

On the western shore of this division are found the red coloured varieties, resembling the syenite of Mont Maddo, in the island of Jersey. Veins of epidote are found in the mass, as also red hornstone porphyry and veins of graphic granite. In the neighbourhood of *Grand Rocques*, the masses of this rock are best seen, where they form the line of coast.

They lie in extended beds, frequently subdivided into smaller prismatic or cuboidal masses. When lying horizontally, they resemble large stairs or beds piled on each other. In other places they are vertical, and present irregular columnar masses.

The red variety of this rock is lost in the vicinity of Hommet and Vazon bay, where it dips beneath the sea, but it is traceable in a direction eastward, as far as the division of the two parishes, near the Coutanchez. Indications of metal are rare in the foregoing rocks; a few specks of iron and copper pyrites and titanium are seen dispersed in them.

HORNBLLENDE DISTRICT, ON THE EAST SIDE OF GUERNSEY.

1.—Hornblende rock (splitting irregularly), spotted with dark crystals of this mineral, exhibiting short but thick prisms of hornblende, embedded in felspar, often traversed by veins of actinolite, epidote, and prehnite. Example: St. Sampson's harbour and Vale castle.

2.—Idem, with veins of compact felspar, epidote, prehnite, and chlorite; quarries near the *Héromière* and *Hougue-à-la-Perre*.

3.—Hornblende and felspar, mottled by the short crystals of hornblende, being disposed at opposite angles, forming spots as if sprinkled by a passing shower, the porphyritic hornblende rock of some authors. Example: Vale Castle, *Hougue-à-la-Perre*, Amballes. This is the Talvaen or Tailvanne of the Guernsey Masons.

4.—Hornblende, felspar, and chlorite, small grained, and passing into greenstone of the trap family. Example: *Grands Maisons*.

5.—Greenstone, with oblong crystals of greenish felspar, of an oily aspect, approaching the black porphyry of the north of Sark.

6.—Greenstone, uniform and compact; hornblende and chlorite, in very minute crystals; the latter sometimes appearing in silky, wavy fibres, resembling spun glass. Example: Vale church and St. Sampson's harbour.

7.—Black and glassy quartz, with a splintery conchoidal fracture, passes into siliceous schist.

8.—Hornblende and felspar, the first in acicular prisms, confusedly disposed horizontally, forming the hornblende schistus of St. Sampson's harbour. Example: quarries, near the church.

9.—Idem, in brilliant, delicate crystals, with felspar predominating. Example: St. Sampson.

10.—In this district chlorite schist occurs in narrow beds. Felspar in veins passing through the same rock, the compact prehnite easily mistaken for it, when filling up veins in the mass.

11.—Occasional fragments of a rock are found at the Vale, which is allied to some varieties of the augit rocks of Scotland. It was not until after repeated failures that its true situation was discovered; it is met with in the island of Herm, opposite this coast, and on the south side of the bay of Belval: it alternates with the syenite of that island, and contains aggregated crystals of prehnite and augit, with minute prisms of felspar. Throughout the mass are globular lumps of radiated prehnite, from a pin's head to a nut in size. In the gangue are seen reddish crystals, probably red compact felspar or red prehnite. Actinolite, in distinct radiated crystals, fills up the cavities not entirely closed by the prehnite.

GNEISS DISTRICT.

1.—Gneiss, composed of the usual ingredients, fracture coarse, irregular, and wavy.

2.—Gneiss, in thin laminæ, more parallel, the quartz in excess, passing into quartz rock; stratification more evident, when wet or broken.

3.—Gneiss: all the ingredients mixed together, nearly compact, passing into hornstone; scales of mica dispersed, with quartz and felspar in grains, distinct and disseminated in the mass, passing into hornstone porphyry.

4.—Gneiss, with large crystals of common felspar embedded. Porphyritic gneiss.

5.—Hornblende strata, crystals of hornblende, well defined, in a gangue of felspar and quartz. Example: *Les Thielles*, and coast of Torteval.

6.—Greenstone, charged with epidote.

7.—Quartz rock, in strata, at the Gorge of Jerbourg, running through the gneiss, north-east and south-west.

8.—Graywacke, with globular distinct concretions, reticulations of calcareous spar and oxidulous iron ore.

9.—Veins of gray iron ore and pearl spar, traversing the gneiss in a vertical position, at *Moulin Huet*.

10.—Greenstone, reticulated by calcareous spar. Chlorite schist shifting the strata obliquely.

11.—Trap or greenstone dikes traversing the gneiss, and alternating. Thielles.

12.—Gneiss, the mica replacing the chlorite, forms a rock resembling mica schist, at Torteval.

13.—Gneiss, near the Forest, felspar in excess, red, decomposing, having all the other ingredients absent.

14.—Highly coloured gneiss, Rocquaine bay, Lihou island. Chlorite, epidote, and veins of felspar and hornstone. Gray gneiss, of the same aspect as the gray syenite of the Vale, is used for building purposes, and worked for granite blocks, the stratification perfect: seems to pass into that rock by insensible degrees. Catioroc.

MINERALS FOUND IN THE GNEISSIC DISTRICT.

Sulphat of iron. Mundic. Specular iron ore. Sulphuret of copper. Blue and green carbonat of copper. Carbonat of iron. Gray iron ore. Brown and

pearl spar. Sulphuret of lead. Carbonat of lead. Sulphuret of manganese. Epidote, chlorite, actinolite, prehnite, steatite, asbestos, talc passing into *lapis ollaris*.

Gorban is a term applied to beds of submarine peat, which is dug for by the inhabitants at very low spring tides. The quantity in some of the bays is considerable, both in depth and in extent; it is also found beneath the marshes, near the coast: this last appears of the same quality and date as the former. In some of the boglands, however, in the higher parishes, there is a peat sometimes found, which must be considered as the produce of vegetable decomposition now in progress.

The submarine peat of the Vazon has been derived originally from some catastrophe affecting the coast of this island, the date of which is unknown. It may reasonably be placed at a remote period, and probably with those of a similar nature on the shores of Gaul and other parts. Although the bed of peat or gorban may now be, from various causes of decomposition and compression, somewhat at a lower level than the meadow lands of the island, there is no doubt that the timber found there had grown upon the spot where it now lies.

Whole trunks of trees are frequently dug up from beneath the sand. The greatest depth of peat is found near to low water mark, where it is often uncovered. The writer has seen trunks of large trees entirely covered on one side with corallines, *flustræ*, *tubiporæ*, &c. The only perforating shells found were the *pholadea*, and as the timber was free from these and from teredines, it is evident that it was covered with alluvial matter to a considerable depth, before its conversion into peat, and that the removal of the sand, &c., subsequently favoured the growth of corallines and *flustræ*, which can only be considered as recent intruders upon the peat.

From the examination of the plants and other substances in the peat, the whole was the produce of a

low district which was protected from the power of the atlantic wave by rocks and silted materials at a certain distance from the present coast line. This district was probably extensive, and enclosed a large portion of Rocquaine bay, the Hanways or Hanois rocks, (a dangerous reef, which extends about two miles from Pleinmont point,) and the extremity of the island of Lihou. It may have passed beyond the bays of La Perelle, Vazon, Cobo, to the north-western limit of the Clos du Valle, including the whole extent of the Braye.

The event referred to must be placed at a remote period, as all records which bear upon the subject—including those rights of forest which are said to belong to certain estates near the coast—are vague and unsatisfactory. Tradition is equally uncertain; but from all these, although mixed up with much fiction, some probabilities of truth may yet be preserved to assist the historian. It must not necessarily be supposed that the whole area now considered was submerged at one time; and, from the different vessels and implements found within it, the remains of the celtic tribes, it may very probably have been the work of centuries. The catastrophe which is recorded at Mont Saint Michael, on the coast of France, may very probably be connected with others of the same nature on other coasts, and as this account relates to the separation of the mount from the coast of Cancele, we have reason to conclude that the same causes operated likewise on the boundaries of the Channel Islands.*

* Amongst the thousand and one stories of the renowned king of the round-table, whose fame was not confined to Britain alone, it is recorded in the tales of Armorica that Arthur obtained the appellation of "Uter pen dragon," or the conqueror of the dragon, for his glorious victory over that monster. This celebrated feat took place in the forest, near Morlaix. This forest, like others on our own coast, was nowhere to be found, having disappeared probably with the impenetrable woods which are also stated to have once surrounded the "Mont des Tombes," and its sister hill, "the hoary rock in the wood," in Mount's bay. In 1812, the Comte de la Fruglaye discovered, after a violent storm which had devastated the shore, near Morlaix, in the very place where it was related a forest once existed, an immense area of vegetable matter, consisting of large trees and other detritus of the same nature, and in the same state of preservation, as we find the gorbans on our coast. He further states, that the oak and the beech predominate among these interesting remains, but that the latter tree is scarcely to be seen in Brittany: the same observation might be made on our gorbans, in which also the *hazel* and its fruit have been frequently found, but which, like the beech, has disappeared from the island. In exploring the celtic remains of these islands, certain indications, confirmatory of the existence of these lands, now under water, were made: they have been noted in their proper place, when treating of the antiquities of the island.

From the foregoing sketch of the structure and composition of Guernsey, it will be seen that its variety of soils as well as the exposition of its surface must exert a great influence upon vegetation. The native Flora* has been a source of much research, but we are enabled only to give the following list of the more rare plants, compared with that of the British catalogue, referring the reader to the climate and horticulture of the island, which are treated of in following chapters.

Tamarix gallica.
Ulex nanus.
Trichonema columnæ.
Juncus capitatus.
Ericum filiforme.
Cynosurus echinatus.
Lagurus ovatus.
Briza minor.
Polypogon monspeliensis.
Papaver hybridum.
Papaver argemone.
Matthiola sinuata.
Rhaphanus maritimus.
Silene quinquevulnera.
Lavatera arborea.
Erodium moschatum.
Oxalis corniculatum.
Medicago denticulata.
Lotus angustissimus.
Lotus hispidus.
Arthrolobium ebracteatum.

Myriophyllum alterniflorum.
Herniaria glabra.
Herniaria ciliata.
Polycarpon tetraphyllum.
Bupleurum aristatum.
Daucus maritimus.
Gnaphalium luteo-album.
Centaurea isardi.
Orobanchæ cærulea.
Scrophularia scorodonia.
Orchis laxiflora.
Allium ampeloprasum.
Potamogeton plantagineus.
Carex punctata.
Knappia agrostidea.
Bromus maximus.
Asplenium lanceolatum.
Cyperus longus.
Pyrola rotundifolia.
Bartsia viscosa.
Helianthemum guttatum.

In entomology we have little to notice. There are a few insects more numerous than in England. Several others can be traced as having been introduced with the importations of plants and foreign trees.

The glow worm is not found in Guernsey, although common in Jersey.

The abundant supply of fish, furnished by an extensive and varied line of coast and sandy bays, entitles Guernsey to be ranked in the list of the fisheries of the British channel.

Its fish market is spacious and commodious, and is usually well supplied. The quantity of this excellent

* In a recent work on the Flora of the Channel Islands, published by Charles C. Babinoton, M.A., F.L.S., F.G.S., &c., it is stated that the total number of flowering plants and ferns, exclusive of varieties, contained in the catalogue, amount to 848, of which 699 are natives of Jersey, 553 of Guernsey, 313 of Alderney, 247 of Sark, 174 of Herm and 113 of Jethou. This list does not include the acotyledones.

food brought there for sale, is sometimes very great, and independently of this supply, much of the produce of the fishermen is sent to Jersey, France, and England. The farmer, the pilot, and the fisherman, are often united in the same individual, and, by the active and successful exercise of these occupations, a valuable class of men is preserved to the island.

Provincial or local names produce much inconvenience, unless when accompanied by their systematic appellation. We subjoin the following list of fish, to show the variety in this particular branch of our natural history, which abounds on the coast.

OF SINISTER FISHES THE CHIEF
ARE THE

Turbot, *Rhombus maximus*, Cuv.
Brill, " *vulgaris*.
Whiff, " *megastoma*, Yarrell.
Megrim, " *arnoglossus*, Yarrell.

OF DEXTER FLAT FISH, THE
Sole, *Solea vulgaris*, Cuv.
Lemon Sole, *Solea pegasus*, Yarrell.
Plaice, *Platessa vulgaris*, Cuv.
Dab, " *limanda*.
Marysole, " *microcephalus*.

OTHER ESTEEMED VARIETIES.

Dory, *Zeus faber*.
Mullet, *Mugil capito*.
Surmulet, *Mullus surmuletus*.
Mackerel, *Scomber scomber*.
Red gurnard, *Trigla cuculus*.
Gray " " *gurnardus*.
Sapphirine " " *Hirundo*.
Basse, *Labrax lupus*.
Wrasse, *Labrus maculatus*.
Bream, *Pagellus centrodontus*.
Gilt head, *Chrysophrys aurata*.
Herring, *Clupea harengus*.
Pilchard, " *pilchardus*.
Horse mackerel, *Caranx trachurus*.
Gar fish, *Esox belone*.
Common cod, *Morrhua vulgaris*.
Rib cod, *Morrhua lusca* (*panchette*).
Pollack, *Merlangus pollachius*.

Ling, *Lota molva*, Cuv.
Atherine, *Atherina presbyter* (*rosselet*).
Conger, *Conger vulgaris*.
Ray, *Raja muculata*.
Dog fish, *Squalus canicula*.
Hoe, " *acanthias*, Linn.
Hound, " *mustelus*, Linn.
Sand-launce, *Ammodytes lancea*.
Sand-eel, " *tobianus*.

AMONG THE RARE VISITANTS ON THIS
COAST, ARE THE

Tunny, *Thynnus vulgaris*.
Bonito, " *pelamys*.
Scabbard, *Lepidopus argyreus*.
Spanish bream, *Pagellus erythrinus*.
Maigre, *Scizena aquila*.
Great weever, *Trachinus draco*.
Lesser " " *vipera*.
Salmon, *Salmo salar*.
Shad, *Alosa finta* (*la gatte*).
Lump fish, *Cyclopterus lumpus*.
Electric ray, *Torpedo vulgaris*.
Angel fish, *Squatina angelus*.
Seahorse, *Hippocampus brevirostris*.
Hake, *Merluccius vulgaris*.
Whiting, *Merlangus vulgaris*.
Haddock, *Morrhua reglefinus*.
Sun fish, *Tetrodon mola*.
Fishing frog, *Lophius piscatorius*.
Dragonet, *Callionymus lyra*.
Blenny, *Blennius gattorugine*.
Tadpole, *Raniceps trifurcatus*.

The trial made by Mr. J. B. Arnold, to retain within the limits of a fresh water pond, at the Vale, several of the common sorts of fish above enume-

rated, has succeeded with the gray mullet, turbot, sole, and plaice. It must be obvious that such an attempt requires much circumspection and attention to the varieties thus located together; the voracious sorts should be excluded where the young fry of the best kinds are preserved. The experiment is deserving of encouragement, if based on a more systematic management than has yet been attained.

In zoology, whatever may have been the native species known to our forefathers, there is now nothing to enumerate as peculiar to Guernsey. The want of forest lands, to serve as shelter to animals, must always prove destructive to them in their wild state. The tusks of the boar are not unfrequently found in turning up the soil. The horns of the stag are occasionally discovered in Herm, which was formerly kept as a preserve for the governor. Pheasants, hares, and rabbits were also abundant in that island.* The partridge (red legged) has been mentioned as formerly a native of Guernsey, but it has long been extirpated, and only appears as an importation from the coast of France. The total absence of the mole, the toad, and the snake, from the island, has been a matter of speculation for many years: it is the more remarkable, as they are very numerous in Jersey, whilst the mole is equally abundant and troublesome in Alderney, but Guernsey and the other islands are entirely free. The toad of Jersey is large, and considered of a different species to that of England. The green lizard and the blindworm are the only two species to be cited in erpitolgy.

Of birds, the variety is limited, but few places of equal extent can be found, where small birds are more numerous, and, during the winter, the islands are

* By an ordinance of the chief pleas, 23d April, 1574, the "chasse" of hares, rabbits, pheasants, and partridges, was restricted to the jurats, curates, gentlemen, and officers, and to the principal inhabitants "de bien," under penalty of ten livres to the queen. Native hares disappeared from Guernsey about sixty years ago, but pheasants and partridges had long previously ceased to exist. The last deer in Herm was killed about the year 1779; but there were partridges, both on that island and on Sark, twenty years later. In the reign of Elizabeth, the sporting in the Clos du Valle was reserved for the governor.

visited by many in their migrating excursions to the south. The wild swan, and many of the duck tribe, are seen during that season, passing to more genial climes: these are frequently shot and brought to market. Woodcocks and snipes, quails, rails and plovers, appear in their season on the island. Among the rare visitants of this place may be mentioned the following, viz.:—

BIRDS OCCASIONALLY FOUND IN GUERNSEY.

Osprey, <i>Falco haliaëtus</i> .	Gannet, <i>Pelecanus bassanus</i> .
Jer-Falcon, <i>Falco gyrfalco</i> .	The hooded crow, <i>Corvus cornix</i> .
Greenland do., <i>Falco Lagopus</i> .	Chough, " <i>graculus</i> .
Starling, <i>Sturnus vulgaris</i> .	Golden oriole, <i>Oriolus galbula</i> .
Missel Thrush, <i>Turdus viscivorus</i> .	Quail, <i>Tetrao coturnix</i> .
Fieldfare do. " <i>pilaris</i> .	Great plover, <i>Charadrius aedonemus</i> .
Redwing do. " <i>iliacus</i> .	Golden do., " <i>pluvialis</i> .
Ring Ouzel do. " <i>torquatus</i> .	Dotterel, " <i>morinellus</i> .
Hoopoe, <i>Upupa epops</i> .	Sanderling, " <i>caledris</i> .
Crossbill, <i>Loxia curvirostra</i> .	Common heron, <i>Ardea major</i> .
Mountain finch, <i>Fringilla montefringilla</i> .	Bittern, " <i>stellaris</i> .
Woodcock, <i>Scolopax rusticola</i> .	Spoonbill, <i>Platalia leucorodia</i> .
Snipe, " <i>gallinago</i> .	Glossy ibis, <i>Tantalus igneus</i> .
Judcock, " <i>gallinula</i> .	Godwit, <i>Scolopax ægocephala</i> .
Corncrake, <i>Gallinula crex</i> .	Lapwing, <i>Tringa vanellus</i> .
Spotted rail, " <i>porzana</i> .	Grey plover, <i>Tringa squatarola</i> .
Little gallinule " <i>minuta</i> .	Coot, <i>Fulica atra</i> .
Little grebe, <i>Podiceps minor</i> .	Guillemot, <i>Uria troile</i> .
Common tern, <i>Sterna hirundo</i> .	Northern diver, <i>Colymbus glacialis</i> .
Stormy petrel, <i>Procellaria pelagica</i> .	Speckled do., " <i>stellatus</i> .
Shearwater, " <i>puffinus</i> .	Black do., " <i>arcticus</i> .
Wild swan, <i>Anas cygnus</i> .	Goosander, <i>Mergus merganser</i> .
Wild goose, " <i>anser ferus</i> .	Redbreasted do., <i>Mergus serrator</i> .
White fronted do., <i>Anas albifrons</i> .	Golden eye, <i>Anas clangula</i> .
Brent do., " <i>bernicle</i> .	Wigeon, " <i>penelope</i> .
Wild duck, " <i>boschas</i> .	Pintail, " <i>acuta</i> .
Sheldrake, " <i>tadorna</i> .	Teal, " <i>crecca</i> .
Shoveler, " <i>clypeatu</i> .	Puffin, <i>Alca arctica</i> .

The shores round the island abound in sea weed. To the farmer, the common sorts are an object of the utmost importance, both as regards the comforts of his house and family, for fuel, and also that of his lands for manure. To the naturalist, this portion of the vegetable kingdom will be found a copious fund of research. The great variety of rocks, cliffs, and sandy bays, within an area of a few miles, will offer to him a wide field for investigation, and which, for the numerous specimens found here, can scarcely

be matched elsewhere. The scientific examination of the thalassiphytes of the Channel Islands has not been exhausted, and there is little doubt that many sorts remain yet undiscovered. The rise and fall of the tide round the island is estimated at thirty-three to thirty-nine feet, at the change and full of the moon.

The crustacea, another branch of natural history, which has so much occupied the attention of English naturalists, within a recent period, are also plentiful, and in some instances singularly disposed on our shores. The male of cancer pagurus is more often caught than the female. The velvet (cancer puber), and the spider crab, are abundant, and brought to market in great numbers. Lobsters and the large cray fish are sent to various parts of England, as well as to France and Jersey. The following species have been discovered by Mr. F. C. Lukis:—*Gonoplax bispinosa*, *xantho florida*, *corystes dentata*, *squilla desmarestii*, and *phyllosoma sarniense*.*

The conchology of this island will be best detailed by the list of shells annexed. The small island of Herm has long maintained a superiority over the rest for quantity and the variety of genera found on its beach. The coasts of Guernsey, however, produce nearly all the same species in a live state, although not so plentifully distributed. It is with some surprise that strangers view the quantity of ormers, (*haliotis tuberculata*) brought to market in the months of February, March, and April. They are cooked in a variety of ways, and supply a palatable meal, somewhat resembling veal cutlets.

The *venus verrucosa* is also brought to market, supplying the place of the common cockle (*cardium edule*), which is not very plentiful here; and likewise the *trochus crassus*, instead of the *turbo litoreus*, which last is but sparingly distributed.

Of land and fresh water shells the number is small;

* Vide Magazine of Natural History, vol. 8, p. 459.

among the former, the *helix reveleta* has been discovered on the hills of the south, by Mr. Forbes. The shell slug (or *testacella sowerbii*) is plentiful in some localities.

It may be stated that the *cyclostoma elegans* is only to be found in Alderney, *psammobia strigilata* in Herm, *helix cingenda* in Jersey, and *voluta triplicata*, according to the late Mr. Gosselin, in Guernsey. It is proper to remark, that since the days of that gentleman, it has not been met with! Among the scarce shells found here may be added the *tritonium nodiferum*, three specimens of which have been recently dredged up on the coast. The shores of Sark, steep and rugged as they are and almost devoid of beach, produce in the caverns of rocks several *volutæ*, which do not appear in their live state on other shores. Among these are *voluta reflexa*, v. *alba*, and v. *bidentata*.

Banks of oysters exist in the neighbourhood of the coast, but none are at present dredged, owing to the more ready supply from Jersey and Cancale.

BIVALVES, &c., FOUND IN GUERNSEY, NAMED AFTER TURTON'S CONCHYLIA.

<i>Pholas Dactylus.</i>	<i>Lutraria Oblonga.</i>	<i>Venus Ovata.</i>
" <i>Parva.</i>	" <i>Elliptica.</i>	" <i>Sarniensis.</i>
" <i>Candida.</i>	<i>Goodallia Triangularis.</i>	" <i>Aurea.</i>
<i>Teredo Navalis.</i>	<i>Psammobia Florida.</i>	" <i>Virginea.</i>
" <i>Dorsalis.</i>	" <i>Costulata.</i>	" <i>Decussata.</i>
" <i>Maliculus.</i>	" <i>Vespertina.</i>	" <i>Pullastra.</i>
" <i>Bipennata.</i>	" <i>Deflorata.</i>	<i>Cytheræa Chione.</i>
<i>Gastrochaena Pholadia.</i>	" <i>Ferroensis.</i>	" <i>Exoleta.</i>
<i>Saxicava Rugosa.</i>	" <i>Solidula.</i>	" <i>Sinuata.</i>
<i>Hiatella Minuta.</i>	" <i>Strigilata.</i>	" <i>Tigerina.</i>
<i>Petricola Iruis.</i>	<i>Lucina Lactea.</i>	<i>Tellina Crassa.</i>
<i>Lyonsa Striata.</i>	" <i>Leucoma.</i>	" <i>Suborbicularis.</i>
<i>Sphenia Binghami.</i>	" <i>Rotundata.</i>	" <i>Fabula.</i>
" <i>Swainsonii.</i>	" <i>Undata.</i>	" <i>Tenuis.</i>
<i>Corbula Nuclens.</i>	" <i>Radula.</i>	" <i>Donacina.</i>
<i>Pandora Margaritica.</i>	<i>Cryptodorn Flexuosum.</i>	" <i>Depressa.</i>
<i>Anatina Pubescens.</i>	<i>Capsa Castanea.</i>	" <i>Punicea.</i>
" <i>Distorta.</i>	<i>Cyprina Islandica.</i>	" <i>Striata.</i>
<i>Amphidesma Prismaticum</i>	" <i>Minima.</i>	" <i>Macula.</i>
" <i>Boysii.</i>	<i>Venus Verrucosa.</i>	<i>Solen Ensis.</i>
<i>Kellia Rubra.</i>	" <i>Casina.</i>	" <i>Vagina.</i>
<i>Montacuta Substriata.</i>	" <i>Reflexa.</i>	" <i>Pellucidus.</i>
" <i>Oblonga.</i>	" <i>Fasciata.</i>	" <i>Siliqua.</i>
<i>Lepton Squamosum.</i>	" <i>Gallina.</i>	" <i>Squamosus.</i>

Donax Complanata.	Cardium Lævigatum.	Pecten Pasio.
Pinna Fragilis.	" Serratum.	Lima Bullata.
" Ingens.	" Edule.	" Subauriculata.
" Pectinata.	Mytilus Ungulatus. } 2	Cyclas Cornea.
Arca Fusca.	" Edulis.	" Pusilla.
" Perforans.	" Pellucidus.	Anomia Ephippium.
" Noë.	" Incurvatus.	" Cepa.
Pectunculus Glycymeris.	Modiola Modiolus.	" Squamula.
" Pilosus.	" Gibbii.	" Undulata.
" Undatus.	" Discors.	" Cylindrica.
" Decussatus.	" Discrepans.	" Aculeata.
" Nummarius.	Ostrea Edulis.	" Squamula.
Nucula Nucleus.	" Paritica.	Macra Subtruncata.
Cardium Tuberculatum.	Pecten Maximus.	" Truncata.
" Aculeatum.	" Opercularis.	" Solida.
" Echinatum.	" Sinuosus.	" Tenuis.
" Nodosum.	" Obsoletus.	" Glauca.
" Exiguum.	" Varius.	

UNIVALVES, &c., NAMED CHIEFLY FROM TURTON'S DICTIONARY.

Helix Lubrica.	Turbo Turtonis.	Voluta Tornatilis.
" Obscura.	" Elegantissimus.	" Ringens. }
" Octanfranta.	" Unicus.	" Reflexa. }
" Otis.	" Pallus.	" Alba.
" Lævigata.	" Crassior.	" Pallida.
" Alliaria.	" Vincius.	" Triplicata.
" Spirorbis.	" Depressus.	" Bidentata.
" Fontana.	" Quadrifasciatus.	Bulla Lignaria.
" Virgata.	" Litoreus.	" Cylindrica.
" Caperata.	" Jugosus.	" Retusa.
" Rufescens.	" Rudis.	" Obtusa.
" Nitens.	" Petreus.	" Aperta.
" Hispida.	" Ruber.	" Hydatis.
" Radiata.	" Unifasciatus.	" Patula.
" Janthina.	" Ulvæ.	" Diaphana.
" Nemoralis.	" Ventrosus.	" Haliotoidea.
" Aspersa.	" Cingillus.	Physa Hypnoorum.
" Bifasciata.	" Reticulatus.	Cypræa Pediculus.
" Palustris.	" Cimex.	Buccinum Undatum.
" Fossaria.	" Calathiscus.	" Lapillus.
" Limosa.	" Striatulus.	" Reticulatum.
" Rhombea.	" Striatus.	" Lineatum.
" Succinea.	" Costatus.	" Macula.
" Putris.	" Parvus.	" Ambiguum?
" Octona.	" Muscorum.	" Minimum.
" Detrita.	" Carychium.	Murex Adversus.
" Vitreus.	" Unidentatus.	" Reticulatus.
Turbo Politus.	" Plicatus.	" Tuberculatus.
" Labiosus.	" Pallidus.	" Biplicatus.
" " var.	" Nigricans.	" Linearis.
" Ascaris.	" Perversus.	" Gracilis.
" Nitidissimus.	" Serpuloides.	" Purpureus.
" Subulatus.	" Chrysalis.	" Erinaceus.
" Pallidulus.	" Umbellatus.	" Septangularis.
" Puteolus.	" Zetlandicus.	" Proximus.
" Lacuna.	" Marginatus.	Trochus Magus.
" Clathrus.	" Curvirostris.	" Ziziphinus.
" Clathratulus.	Voluta Lævis.	" Erythroleucos.

Trochus Exiguus.	Lepas Verruc.	Serpula Rugosa.
" Umbilicatus.	Chiton Marginatus.	" Tubularia.
" Cinerarius.	" Fascicularis.	" Corrugata.
" Crassus.	" Punctatus.	" Sinistrorso.
" Tumidus.	" Lævis.	" Lucida.
Dentalium Semistriatum.	Nerita Glaucina.	Strombus Costatus?
" Entalis.	" " var. B.	Testacella Sowerbii.
" Dentalis.	" Litoralis.	Haliotis Tuberculata.
Lepas Anatifera.	Serpula Spirorbis.	Capulus Hungaricus.
" Anserifera.	" Spirillum.	" Militaris.
" Sulcata.	" Granulata.	Fissurella Græca.
" Fascicularis.	" Heterostropha.	Emarginata Fissura.
" Cornuta.	" Minuta.	Ancylus Lacustris.
" Membranacea.	" Triquetra.	Calyptrea Sinensis.
" Scalpellum.	" Complexa.	Patella Vulgata.
" Balanus.	" Seminulum.	" Lævis.
" Conoides.	" Lactea.	" Pellucida.
" Balanoides.	" Vermicularis.	" Virginea.

The rocks on the shore are covered by zoophytes and other marine productions, which are abundantly distributed round the island, and will afford to the student in this branch of natural history much interest and delight. The rocks are daily accessible to his researches, and the great fall of spring tides exposes a large extent of coast replete with corallines, spongiæ, gorgoniæ, &c. The ulvæ and confervæ are equally plentiful; amongst them may be mentioned the dictyota pavoniæ. The aplysia and the velella limbosa are frequently caught on the shore, but the medusæ are not very numerous.

The common limpet (patella vulgata) is very abundant on the rocks, and appears to have been used as an article of food to a greater extent than at present. The quantity of shells exposed over the surface, or occasionally dug up, shows the vast use of these by the early inhabitants, and, in some places, they are found at a distance from the cottages and at a depth of many feet below the soil. Beds of limpet shells are not unfrequently cut through in the island of Herm, where it is difficult to account for their accumulation.

CHAPTER X.

CLIMATE AND DISEASES.

THIS island, in a medical point of view, presents no little interest; but such a minute detail as would be in uniformity with the statistics of other countries is beyond the nature of the present work, and this chapter can be extended only to a general outline of the subject.

The climate of the Channel Islands resembles, in many particulars, that of the neighbouring shores of the west of England and France. It is not uncommon to see, during clear weather, the coast of France covered with snow, while not a flake has fallen on Guernsey, where, indeed, snow seldom lies on the ground beyond one or two days.

Its insular position subjects it to frequent changes, hygrometric and thermometric, but rarely, from situation alone, barometric.

The prevailing winds are the south-west and west, and are warm and moist. The easterly are generally of short continuance, and are cold and dry, accompanied with fine clear weather, and usually very little rain. In the spring they last longer than at other seasons. Gales are experienced during the winter at irregular intervals, but frequently occur of uncertain duration during the equinoctial periods, and some years they are very mild.

The weather is nearly the same as in Jersey, but in Guernsey the surface is much drier and less wooded,

and consequently there is an absence of the effluvia or miasmata, which arise from the decomposition of vegetable matter.

The lower or northern parishes are overflowed in some places with fresh water during the more rainy winter months, but are free from this inconvenience during the summer, the land thus overflowed being then tilled in a variety of ways, and very productive. The drainage throughout the island is well attended to, and the diseases which are peculiar to marshy districts are now never met with in Guernsey.

The island inclines towards the north, and presents a surface every where occupied with arable land and dwellings, scattered in all directions. The purity of the sea-breeze and the salubrity of the atmosphere contrast strongly with many other isothermal districts.

The natives are strong and healthy, and not subject to any endemic. The diet in the country parishes consists of fish during summer, with soup and vegetables, and during the winter of salt fish and pork. The ordinary beverage is cider, tea, or coffee, with wine, and a rather too plentiful supply of spirits. The bread is of good quality, and the brown or barley bread, though still made, is not now so generally eaten as within a few years.

Though the natives may be said to be healthy, their mode of living and diet tend rather to weaken them and induce disease. Many farmers, with their dependants, rarely eat fresh meat, and with their laborious occupations its absence is felt by the constitution, and a weak and languid circulation is frequent. Together with this, dyspepsia and its many consequences are induced. The robust and muscular character of the true English labourer is not seen in the working Guernseyman, nor is his acuteness of perception so evident; nevertheless, the Guernseyman, though slow, works well, and is intelligent.

No greater proof can be adduced of the healthi-

ness of the island than the little inducement formerly given to medical men to practise in it. To remedy the inconvenience that this absence must have occasionally produced, we find the "States," on the 12th October, 1632, granting "to Mr. Samuel de la Place, minister of the church, and exercising the profession of medicine in this island, the annual sum of twelve quarters of wheat as a pension, to be paid by all the parishes according to the accustomed rates," and, for about a century subsequently, the few resident practitioners were chiefly Frenchmen of very doubtful professional ability. Indeed, within the memory of individuals now living, there were only three persons "exercising the profession of medicine" in the island; but, at this moment, there are not less than six physicians, twenty surgeons and apothecaries, and eight druggists, many of whom, however, must find very limited employment, notwithstanding the influx of visitors and the great increase of population. Thirty or forty years ago, scarcely a medical man kept either horse or vehicle, and when a countryman required his attendance, which was very rarely, he brought his cart-horse for "Monsieur le Docteur." Indeed, the present medical men may well exclaim—

"Tempora mutantur, nos et mutamur in illis."

St. Peter-Port, the principal town, is elevated, and declines rapidly to the E.N.E. It owes its salubrity to its commanding aspect and rocky foundation. The drainage is most complete; but the streets, in the old or lower town, are very narrow, although vast improvements, which are still progressing, have of late years been effected.

A perfect supply of the purest water is freely obtained in every part, by means of the numerous public wells sunk through primitive strata to the depth of from sixty to one hundred feet: in the northern extremity they pass into trap and syenite; in the southern into gneiss, serpentine, &c.

The sanitary regulations are strictly enforced by the authorities, and very liberal assistance in blankets, coal, and soup, is afforded to the necessitous. Private as well as public societies are numerous for the purpose of giving relief and comfort to the indigent, especially during the winter.

There is an excellent establishment in St. Peter-Port, affording shelter to about two hundred and eighty inmates of all ages. It is called a hospital, though it is rather a poor-house. It is also a work-house, though, in fact, nominally such, for little is manufactured besides coarse cloths and thread, principally for the use of the house. Nets of various descriptions, and a little basket work are also among the produce. This establishment is of infinite value to the town and to the sick stranger poor.

That it is an advantage to unite a poor-house and hospital for the sick, may not at first sight appear evident, nor indeed is it so in large communities; but, in the present instance, its great value can only be appreciated by those who are made acquainted with its *modus operandi* and results. It is daily visited by the house surgeon and parochial medical officer. The number of sick inmates and strangers varies considerably, rarely exceeding fifty of both sexes.*

An hospital is also provided for the country parishes, and is situate nearly centrally, as respects the island, in the C  tel parish. It is on a similar, but not so extensive a scale. The medical officers are elected annually in both hospitals.

It has been asserted in recent writings, that the climate of Guernsey is damp; but it is certainly less so than that of the west of England, though, of course, some situations are more humid than others, and some seasons and years more rainy than others. But as the next chapter contains such ample details

* The sick wards are quite distinct from the dormitories, and the men's sleeping apartments are in a separate dwelling house, attached to the former. The female children occupy a building also distinct from the two first, having a school for them in the house.

on the subject of climate, these remarks must be considered of a very secondary character.

The climate is relaxing, and the atmospheric changes are occasionally marked by the prevalence of some peculiar maladies, which disappear with a change of weather. This effect is nearly similar in all parts of the island, and varies in character, as in all countries, according to circumstances. Thus, at some periods of the year, and during the prevalence of certain winds, maladies increase or decrease, or others make their appearance and again disappear, when their causes are removed. The average is nearly on a par with England as to name and number, but the type holds a medium position between those of England and France. There are some few, in both these countries, which are unknown here, as goitre, &c., among which may now be classed ague.

It is interesting to notice that ague, or the intermittent fever, no longer prevails in Guernsey; and this absence is doubtless owing to the better drainage of the lower parishes, and to the following cause:—A large tract of land, now recovered from the sea, was flooded at every tide, and when the water was low, exposed a considerable surface, the evaporation from which was supposed to have been the cause of malaria; however, certain it is that no ague has, since the shutting out of the sea, made its appearance. (See page 177.)

In those days, the Vale castle, the barracks on Delancey heights, and Doyle barracks, on l'Ancrese common, were so unhealthy, that the officers and soldiers stationed there, even for a short time, were almost invariably attacked with intermittent and remittent fevers.

The inhabitants of that part of the country were also perhaps more subject to these affections, and treated themselves with powdered bark, centaury, &c.; but, at present, a case of ague is exceedingly

rare, and is never seen in an individual who has not previously contracted it in other countries.

The remittent prevailed nearly equally with the intermittent, but is now as completely absent.

The infantile remittent, as it is improperly called, is met with as in other countries, and must be considered as the consequence of irritation in the intestinal or ganglionic systems, and hydrocephalic affections may be mingled with, or taken for it.

The remittent of older children appears equally as in England. The autumnal remittent is met with in Guernsey, but much less than in Jersey.

Children of the labouring classes are infinitely better attended to than in many countries; their clothing, food, and comforts, are much superior, and care is taken as to cleanliness. Indeed, the stranger is surprised on entering the island, at the absence of beggars and ragged children.

From the comparatively variable nature of the climate, it might be expected that acute inflammations would be frequent; but, on the contrary, they are not often met with, and the more common of these are mild inflammations of the trachea and larynx, usually among children.

During the continuance of, or oftener immediately after, the prevalence of cold easterly winds, children suffer from croup and other affections of the air passages. These are most general in the spring and fall.

In March and September, children are subject to the same affections as in other countries, and when the measles are epidemic, we frequently find its characteristic catarrh with little or no eruption or febrile action. The same fact is observed when scarlatina is also general; many individuals, and even those who have been previously attacked with genuine scarlatina being affected with sore throat, sometimes complicated with bronchitis, or pneumonia in a mild form, the character of the throat being that of scarlatina. In

these seasons roseola æstiva and autumnalis are occasional, and nearly resemble measles, but the catarrhal symptoms are wanting.

When the influenza visited the island, the elder members of the community were the greatest sufferers. It appeared in the winter of 1836-7, and continued until 1838. Its symptoms were the same as elsewhere, simulating many acute and chronic diseases, and leaving the sick in a state of great and long continued debility. It appeared to add fresh fuel to the embers of dormant and diathetic maladies, reviving old and forgotten complaints, making invalids in a few days of those who considered themselves hale, and destroying not a few individuals.

It is rare for an epidemic or contagious malady to remain confined to one part of the island. The scarlatina of 1837 commenced in the fall of the year, and in the spring of 1838 assumed a very malignant type, more remarkably so in a few isolated dwellings in the higher and more airy neighbourhoods of the town. By the summer it had considerably diminished in the town, but was very severe in the country. In 1839, it again appeared in the town, though of a mild character, and disappeared as the winter approached.

The small pox of 1836, 1837, and 1838, spread throughout the island in the same manner as the scarlatina. Its confluent form is not unfrequent, though infinitely less so than formerly, and it would rarely be seen but for the carelessness of some of the lower classes, and the strange notions they have respecting it. They consider that an individual must have the small pox once in his life, or at least ought to have it, and they increase its virulence by warm clothing, heating drinks, disbelief in the powers of the vaccine virus, and a most tardy application for medical aid. The island is often perfectly free from these maladies for considerable periods.

Neither the genuine typhus of England, nor the

disease as it appears in France, can strictly be said to be seen here; some continued fevers, with peculiar eruptions, occasionally resemble it, and a typhoid type may be assumed, but they are seldom fatal.

No part of the island is more subject at present to one disease than another, if we except hernias, which may be said to be more frequent in the lower parishes, where the granite quarries are worked.

The appearance, in 1832, of the cholera has been already noticed in a previous part of this work.—(See page 210.) The treatment at first pursued was the same as was generally recommended, viz., the calomel and opium; but it failed almost completely, and the saline treatment was then tried with singular benefit.

It appears by records, that this island has been more than once visited by plagues, as were formerly other countries in Europe. The bodies of those who fell a sacrifice to one were buried in the Vale parish, in a district or field which bears the name of "La Maladrie," or "La Malière."

Consumption.—The tuberculous diathesis is not more peculiar to the island than it is to other isothermal districts; it is even less so than to many. That the inhabitants of the temperate zones are nearly equally subject to tubercular consumption, is now fully established. It prevails in both hemispheres, but the equatorial and arctic circles are entirely exempt.

It becomes, therefore, a great desideratum that an easily accessible locality or country be found, in which this malady is observed to be less frequent, and the character of whose climate is better calculated to afford relief, or prolong the existence of phthisical patients.

In England, the mortality from this disease is about twenty-five per cent., and in some of the continental countries it is the same. In France, the general average is twenty-three per cent., but in Paris and London the mortality is equal. In Africa, the disease is exceedingly rare, and in some districts, like Alex-

andria, it is quite unknown, the atmosphere of which city resembles much that of the Channel Islands in the saline impregnation, though of course the mean temperature is higher. This atmospheric feature is of benefit to consumptive patients, and for the same reason that they are recommended to visit the sea coast, an insular watering place offers great advantages to them.

The more equable the range of temperature, and the purer the air, the better suited is such a country for alleviating this disease; and that hope, which rarely deserts the patient, may find fresh indulgence in the Channel Islands. Moderate cold in winter, and a mild summer, free from those oppressive heats which prevail over large surfaces of country, with the breeze pure from the ocean, every invalid must desire; and as regards the voyage, which brings him in a few hours from England, it is an additional recommendation that the consumptive are very seldom distressed at sea, usually suffering less than other passengers.

An atmosphere not overcharged with moisture, and containing salines, principally the muriatic, is far better than either one loaded with watery particles, or one unpleasantly dry. The latter is always attended with inconvenience; and, being oppressive, tends to increase the difficulty of breathing under which the patient is already labouring, and it must also affect even the most hale.

The term "consumption" is applied by the inhabitants of the country parishes to an infinite number of various affections; it is, in fact, the general cognomen for all long continued diseases. The aggravated forms of dyspepsia are decidedly rated as consumption, and, "*qu'ils en sont morts*" is the vague answer generally received by the inquiring physician as to the hereditary taint of a patient, through fathers and forefathers.

This disease is far less frequent than might be in-

ferred from such statements. And it is well worthy of remark, that though some few families have been thinned by this most fatal of all diseases, their lineal descent is seldom strictly native : and if such families, as have seldom married with strangers, be examined carefully, only solitary instances will be detected among them.

Gastric disturbances are the most frequent of all diseases in the island, doubtless arising from the nature of the diet, and from the habit of living among the peasantry.

The frequency of rheumatism has been much exaggerated, and even when the habits of the working classes are examined, it is extraordinary that more is not met with : as acute diseases are rare, so is acute rheumatism ; the chronic form most frequently appears in the arms, back, and loins. It is most general among the country people, who, to the casual observer, appear careful of themselves and well clad when abroad ; but the comfort and protection afforded by their homes are far from perfect, and though much neatness, and, above all, great cleanliness are every where seen, their cottages are frequently cold and damp. The hearth is unnecessarily capacious, and usually contains only a few flickering embers of furze, fern, *vraic*, or wood, giving very transient heat, so that the apartment is not often properly warmed. Moreover, the doors of the cottages are often much too small for the frames, and are otherwise clumsily constructed, as are the windows. It is true that the more modern houses are well built ; but, even then, "*on aime et on tient au vieux régime*," and the doors are seldom kept closed. Another cause of rheumatism is the injudicious exposure of the peasantry to the cold and damp morning and evening air, in the attention paid to the cattle, which being tethered, require change of position at these times and in all weather. They rarely apply for medical advice

for rheumatic pains, but solace themselves with the reflection, "*que ce n'est rien que le rhumatisme,*" and wrap the affected parts in red flannel.

The severe and distorting forms of chronic rheumatism are rarely met with. Lumbago, sciatica, &c., and pains occupying these regions, hold a small proportion, and are much more frequently symptomatic of other diseases than connected with rheumatism.

The existence of the scrofulous diathesis is more widely diffused through all communities than is suspected by their members, but it rarely appears here under the severe forms seen in manufacturing and other districts. The pure air, the great advantage of sea bathing, in which the natives participate during the whole summer, and, above all, the comparatively superior comforts of the poor, are the means of its prevention. The royal touch is proverbial as an infallible means of cure for the "*mal du roi*;" but, as kings do not visit the island, an equally efficient substitute is found in the touch of the hand of the dead body of the most ancient matron in the parish, or, what is nearly as rare in the island as a king, the touch of the stiffening hand of an executed criminal. Amongst other diatheses the lithic is observed, but calculus is rare. Gravel is occasional.

Gout or arthritis was frequent some thirty years ago, but its fashionable character is lost.

Insular tradition has handed down many singular methods of cure for various maladies. Holy wells and sacred fountains still hold their reputation, and have even given name to some affections curable by certain ablutions. In these superstitions a parallel obtains universally, but the necessary rites and ceremonies for the perfect completion of the cure are daily becoming more obsolete. They are, nevertheless, still held in good repute by the less enlightened of the country people, though seldom practised.

CHAPTER XI.

METEOROLOGY.

IF the climate of England, compared with that of the continent of Europe, is distinguished by the usual peculiarities of an insular position, we may naturally expect to meet with all the characteristics of an insular climate still more strongly marked in that of this island, where no spot of ground is more than two miles distant from the sea, and where the westerly breezes, fresh from the Atlantic, generally prevail.

Accordingly, the Channel Islands have long been celebrated for the mildness of their climate; and it would seem, from careful observations made during the last few years, that there is perhaps not a spot in Europe on this side the Alps, where the extremes of temperature are less felt than in Guernsey. Here the winters are nearly as mild as in the south of France, while the summers are cooler than in London. And the same causes which thus soften the rigours of winter and temper the summer heat, exercise their moderating influence over the fluctuations of temperature that take place, not only during every month, but in the course of each particular day. If, for several months of the year, the days are warmer in London than in this island, on the other hand the nights are, with few exceptions, considerably colder at all times: and though we do not escape those sudden changes of temperature which in spring are so frequent, both in England and in many parts of Europe, they are

never with us so excessive in degree, nor so injurious in their effects.

It is to be regretted that the meteorological observations made in these islands are imperfect, inasmuch as they only notice the daily extremes of temperature, and the state of the winds and the weather, without any recourse to the hygrometer or the rain-gauge. Moreover, want of time has only permitted us to use those for the years 1838 and 1839, a period which, apart from the consideration that it includes two very unfavourable seasons, is much too short to afford of itself a general result by which to determine the nature of the climate. For that purpose, a series of observations, extending over ten or even twenty years, would be necessary. The data we possess may, however, serve for the purpose of comparison with the observations made in London during the same years, and that, at least, will enable us to form a tolerably correct estimate of the difference between the two climates. For the same general causes which modify the character of the seasons during each year, seem to extend their influence over a great portion of the north-west of Europe; and between points not farther apart than Guernsey and London, the connexion is so intimate, that, with few exceptions, all the fluctuations of temperature which take place almost from day to day in our variable climates, are sure to be felt at both places, not indeed always to the same degree, but nearly at the same time. It is also remarkable that these fluctuations, though they differ in each place in point of *absolute*, often correspond in both in point of *relative*, intensity. This is so much the case, that the thermometer has attained its monthly extremes here and in London, in many instances, on the same days, and in many more in the course of the same week.

A short period of contemporaneous observations is therefore probably sufficient to indicate the relation between the two climates; and, from our knowledge of

the true mean temperature of London, we may form a probable conjecture of that of the island.

The following table presents a comparative view of the mean temperature of the separate months and seasons, as well as of the whole year in both places, calculated from the results of the years 1838 and 1839.

MONTHS.	Mean temperature of Guernsey.	Mean temperature of London.	Difference in favour of Guernsey.	Difference in favour of London.
January.....	39.35	33.69	5.66	..
February.....	41.58	36.53	5.05	..
March.....	44.87	42.21	2.66	..
April.....	45.56	44.34	1.22	..
May.....	51.71	53.04	..	1.31
June.....	59.74	60.02	..	0.28
July.....	60.93	61.91	..	0.98
August.....	59.53	61.19	..	1.66
September.....	57.25	57.13	0.12	..
October.....	52.90	51.53	1.47	..
November.....	48.45	44.65	3.80	..
December.....	43.93	39.32	4.61	..
WINTER.				
Dec., Jan., Feb. ..	41.62	36.51	5.11	..
SPRING.				
March, April, May.	47.38	46.54	0.84	..
SUMMER.				
June, July, August.	60.07	61.04	..	0.97
AUTUMN.				
Sept., Oct., Nov..	52.87	51.10	1.77	..
Whole year.	50.48	48.80	1.68	..

The equalizing effects of the neighbourhood of the sea on the distribution of heat in the different portions of the year in this island, are abundantly manifest from the above table. It may also be interesting to show how the daily extremes of temperature are moderated in a manner perfectly analogous. In the following table the mean of daily maxima and minima for each month, here and in London, are compared. We have added the highest and lowest temperatures which occurred during each month of the year 1838, the winter of which was the coldest known for many years. These are introduced in order to show the full extent of the benefits we derive from our situation, which are of course especially remarkable in extreme cases.

	January.	February.	March.	April.	May.	June.	July.	August.	September.	October.	November.	December.	Whole year.
Mean of maxima in Guernsey.....	43.0	42.02	49.61	50.80	58.13	65.95	68.18	65.57	63.21	67.16	61.86	47.33	55.47
Ditto in London.....	38.04	41.41	48.07	50.83	62.30	68.26	68.26	69.65	64.41	57.30	48.86	42.68	53.12
Difference in favour of Guernsey.....	4.96	3.61	1.54	0.03	5.83	7.69	0.00	5.92	8.80	9.86	13.00	4.65	2.35
Do. in favour of London	..	..	..	..	..	2.31	1.60	3.08	1.20	0.14	3.0	..	..
Mean of minima in Guernsey.....	35.70	38.15	40.13	40.33	45.30	53.51	53.71	53.51	51.48	48.63	45.06	40.54	45.50
Ditto in London.....	29.35	31.64	36.36	37.85	43.75	51.78	54.07	52.76	49.85	45.76	40.45	35.98	42.47
Difference in favour of Guernsey.....	6.35	6.51	3.77	2.48	1.55	1.73	0.36	0.75	1.63	2.87	4.61	4.56	3.03
Do. in favour of London	..	..	..	..	..	..	..	..	..	..	..	..	..
Mean range in Guernsey	7.30	6.87	9.48	10.37	12.83	12.44	14.45	12.06	11.73	8.53	6.80	6.79	..
Ditto in London.....	8.69	9.77	11.71	12.98	18.55	16.48	13.69	16.89	14.56	11.54	8.41	6.70	..
Extremes of temperature in Guernsey, { Highest 50. 33. 57. 60. 69. 75. 75. 72. 69.5 63. 58.5 55. 75. Lowest 22. 27. 35. 31. 40. 45. 49. 49. 45. 39. 36. 30. 22.*													
Do. in London { Highest 56. 49. 60. 63. 78. 76. 79. 77. 70. 63. 57. 55. 79. 7.† Lowest 7. 21. 29.5 27. 34. 43. 48. 45. 42. 33. 28. 28. 7.†													
Extreme range in Guernsey, in 1838.....	28.	26.	22.	29.	29.	30.	26.	23.	24.5	24.	22.5	25.	53.
Ditto in London.....	49.	28.	30.5	36.	41.	33.	31.	32.	28.	30.	29.	27.	72.

* This was at the time considered a most unusual degree of cold, such as had not happened for upwards of forty years, and such as was not likely to happen again for perhaps as many more. Yet in December, 1840, the thermometer fell as low as 17° 5.

† It must be remembered that these observations were made in London itself. In the immediate neighbourhood the cold was still more intense. At Chislewick the thermometer fell to 4° 5 or 11½ lower.

From the observations here recorded, it appears that throughout the year (the month of July alone excepted) the atmosphere at night, that is, while the sun's influence is withdrawn, is warmer here than in London; but that its presence has the effect, during nearly six months, of producing a higher degree of heat during some portion of the day in London than here; although it may still be doubted whether the mean temperature of the hours of daylight may not be more nearly on a par than the difference between the maxima attained by the thermometer in either place would seem to indicate. Another fact worth noticing is, that if the mean daily range be taken as a measure of the sun's influence in heating the atmosphere, then such influence must be at all times more considerable in London than in Guernsey, the difference between the temperature by night and that by day being constantly (for December is scarcely an exception) greater in London. These results were to be expected from the relative position of both localities.

It may, however, appear rather singular that in winter the influence of the sea in raising the temperature should be nearly in proportion to the intensity of the cold; whereas its cooling effects, during the warm season, appear to have no relation of that sort to the heat of the weather, the months of May and August being here much colder in proportion than June and July. This is probably owing to strong and rapidly cooling winds that counteract the heating power of the sun's rays, being less frequent during the height of summer than they are immediately before or after; for the temperature at night, even in May and August, continues higher here than in London, that of the day being alone affected.

We have before remarked that the true mean temperature of this island cannot be positively determined from the few observations hitherto made; but a probable estimate can be obtained in the following man-

ner:—The mean temperature of ten years, to 1837 inclusively, in London was $50^{\circ} 60$, or $1^{\circ} 78$ above the mean of the years 1838 and 1839. It would probably be too much to add that difference to the mean of the same years in Guernsey, and call the sum our mean temperature, as there is no doubt that the difference in favour of this island is greatest in unfavourable seasons, like the two above-mentioned. The mean of those years may, however, be safely conjectured to have been at least 1° below the true average, which would then be equal to $51^{\circ} 48$. This cannot be far from the truth, though perhaps rather below it than otherwise. The distribution of that increase among the several months of the year is more liable to error. We have, nevertheless, made the attempt in the following table, being guided partly by our own experience of the climate, and partly by the known amount of the deviation, in London, of the temperature of each month during the years 1838 to 1839, from the usual average. The mean temperature of Paris has been added for the sake of comparison.

MONTHS.	Presumed mean for Guernsey.	Mean of ten years at Chislewick.	Difference in favour of Guernsey.	Difference in favour of London.	Mean temperature of Paris.
January.....	41.25	36.30	4.95	..	..
February.....	43.40	41.20	2.20	..	..
March.....	45.30	43.56	1.74	..	..
April.....	48.81	48.76	0.05	..	..
May.....	54.20	56.48	..	2.28	..
June.....	60.20	61.12	..	.92	..
July.....	62.20	64.02	..	1.82	..
August.....	60.10	62.31	..	2.21	..
September.....	75.60	57.57	0.03	..	..
October.....	53.	51.80	1.20	..	..
November.....	47.50	43.63	3.87	..	..
December.....	44.20	40.69	3.51	..	..
Winter.....	42.95	39.40	3.55	..	38.66
Spring.....	49.44	49.60	..	0.16	49.28
Summer.....	60.83	62.48	..	1.65	64.58
Autumn.....	52.70	51.0	1.70	..	51.44
Whole year.....	51.48	56.62	0.86	..	51.08
Warmest month....	62.20	64.02	..	2.02	65.30
Coldest month....	41.25	36.30	4.95	..	36.14

It is perhaps to many an unexpected result, that the mean temperature of the whole year in this island, should be higher by four-tenths of a degree than that of Paris, and that we should besides have so considerably the advantage in autumn, the difference amounting to $1^{\circ} 36$. It is, indeed, for its summers alone, that the climate of Paris can claim any decided superiority either over ours or that of London. During that season the difference in its favour is certainly great, amounting in the one case, to $2^{\circ} 10$, and to no less than $3^{\circ} 75$ in the other. On the other hand the cold of winter, in the interior of France generally, is well known to be as extreme as the heat of summer. Many plants that live in the open air as far north as Aberdeen cannot endure the intensity of the frost in Paris; and whenever we leave the immediate vicinity of the coast, we must proceed far to the south before we meet again with mild winters. Even at Bordeaux, that season is colder than it is here, its mean temperature being $42^{\circ} 08$, and that of the coldest month 41° . And at Montpellier the corresponding mean temperatures, respectively, are $44^{\circ} 06$ and $42^{\circ} 08$, or little more than 1° warmer than the same season in this island.

The prevailing winds in this island are, of course, those of the south of England. Their direction and the changes they undergo frequently correspond in point of time here and in London; but this is by no means always the case. The wind may be for several days at east or north-east in London, while it is south-east here. Sometimes, but very seldom, it is north-west in one place and north-east in the other; and on some rare occasions, the wind blows from opposite points of the compass in each place respectively. Nevertheless, if we add up the number of days in each month, during which it blew from any point westward of north to south inclusively, and again from the eastward of north to south, the sums correspond in

both places for months together ; at least this was the case during the year 1838, and it will probably be found constantly so, when the observations of other years are consulted. This presumption is strongly supported by the fact before noticed of the remarkable coincidence, here and in London, of nearly all the fluctuations of temperature ; these being well known to be intimately connected with the changes of wind. It may, therefore, be inferred that the same winds, when considered as to their general direction only, blow almost simultaneously over the British channel and the south of England, at least as far north as London ; and that the minor variations which are observed to differ considerably in separate localities, are the result of local causes that modify in various ways, and more or less extensively, the course of the great atmospheric currents.

Lying exposed, as it does, in the midst of the channel, the action of the winds is felt in this island, with little intermission, throughout the year. Calm weather is, indeed, comparatively rare ; while high winds are continually occurring at all seasons, and scarcely a month passes without a gale more or less heavy. Some months, however, are usually more boisterous than others, though without much regularity, no two years corresponding in this respect, except in the periodical return of very rough weather and rain, about the middle of August, which is sufficiently constant to have become proverbial. But the most violent storms may be expected a few weeks after the autumnal equinox, and in the months of November, January, and February, at which seasons the wind sometimes blows with the greatest fury. Storms from the S.W. are the most frequent, and are commonly accompanied by thick weather and drizzling rain, which are signs of the continuance of the gale from the same quarter ; but if heavy rain should come on, the wind is almost certain to shift suddenly

round to the N.W., and to blow in squalls of excessive violence, accompanied by hail, or torrents of rain. Storms from the S.E. are fortunately not very common, for they are the most of all destructive to the shipping in the pier and roadstead; before they cease the wind veers round gradually to the S. and S.W., when the gale in general abates. The N.E. wind is seldom stormy, though it often increases to a gale.

In Guernsey, as everywhere else in the west of Europe, winds partaking of a westerly direction are comparatively damp and rainy, and easterly ones dry. The longest continued rains are those from the S.W.; but the heaviest showers come from the N.W. It is never known to freeze with a S.W. wind; seldom and never severely with a N.W. one. The winds that blow from the points of the compass between N. and S.E. are the coldest during winter; from Midsummer till October they are, however, fully as warm as those from the west. Of the S.E. wind in particular, it may be said that, in winter, it is apt to bring the heaviest snows and most intense frosts; in summer, the hottest and most sultry days, and at other seasons the most violent storms and gloomiest weather that we ever experience.

The annual depth of rain that falls in this island has never yet been accurately measured, but it is well known to be considerable. From the end of July, 1839, to the close of the year, the rain falling directly from the sky into an open cylindrical barrel, at least thirty inches deep, filled it to overflowing; and the same result was experienced in the corresponding months of the following year. Now, in England, generally, the rain falling during the last six months is about three-fifths of the whole annual quantity. According to this rule, and without any allowance for leakage and evaporation, there would have fallen in Guernsey, in each of the last two years, fifty inches of rain, which is double the amount usual in London.

No inferences can be drawn respecting the average number of rainy days and their distribution in the different months, from the observations of the wet and cheerless seasons of 1838 and 1839. In those years little more than one-third the number of days consisted of really fine weather, while nearly as many were unvisited by a ray of bright sunshine, and those in which it rained more or less, numbered above half the year. But the great drought of the year 1840, which has been noticed at page 313, forms a striking contrast to such rainy seasons.

Hail is rare in summer, though it is not unfrequent in spring, as well as late in autumn, and in the beginning of winter. At those cool seasons of the year it is never seen of any remarkable size.

Fogs and fogbanks are often met with in the channel, especially during the prevalence of easterly winds, in spring and the beginning of summer: but they do not in general spread over the island itself, at least not during the day; for, as they extend to no great height in the atmosphere, the slight elevation of the land is sufficient to bring it within reach of the sun's rays, when the heat it receives being communicated to the air above it, causes the visible vapours to dissolve away, so that, on foggy mornings, the sky in most cases becomes clear a few hours after sunrise. On the other hand, it is curious to observe for how long a time on the sea, not only extensive fogbanks, but some of a very diminutive size will maintain themselves for hours without any apparent change under the most intense sunshine.

Thunder storms are very irregular in their occurrence. They have been known to happen with some frequency, and with considerable violence, during many successive years; whereas, for the last ten years, they have been exceedingly rare.

Hoar frosts are not very frequent, one of the necessary conditions for their production being a still

atmosphere. Now, even in our calmest weather, there generally prevails a slight breath of wind, which has just received an accession of warmth and moisture from the sea, and which, continually displacing the cold stratum of air next the surface of the earth and depositing fresh dew, imparts a constant supply both of sensible and latent heat. Nevertheless, it occasionally happens that the air is sufficiently calm to allow the cooling of the earth by radiation to proceed to the freezing point. The hoar frost is then produced in remarkable abundance, and is on that very account of service in preventing a further lowering of the temperature, the supply of latent heat being in proportion to the quantity of aqueous vapour deposited and congealed.

The cause just noticed as having a tendency to check the production of hoar frost, is particularly favourable to the formation of dew. Even during the continuance of dry easterly winds, in spring, it is produced in considerable quantity. It is, of course, most copious in autumn. Its abundance at that season attracted the attention of Quayle, who observes, "The autumnal dews are here singularly heavy. Even at noon of a succeeding hot day, the dew drops are not yet exhaled from the grass; at the north side of the hedge, not during the day; at ten at night the streets in the town wear the appearance of having received a hasty shower." This is perfectly correct, and indicates a remarkable degree of moisture in the air towards the fall of the year. This, while the weather continues warm, gives the breeze a peculiar softness, which is not felt in an atmosphere of the same temperature at other seasons.

CHAPTER XII.

HORTICULTURE.

HORTICULTURE, in its general sense, including the production of the vegetables, fruits, and flowers, usually cultivated in gardens, is carried on to a considerable extent in this island. The taste for it is pretty generally diffused; and besides, market gardening is perhaps the only profitable mode of turning to account the innumerable small tenements into which much of the land is subdivided. There is in consequence an abundant supply of garden productions throughout the year, and their beauty, goodness, and variety, are a proof not only of the excellence of the climate, but also of no little skill and industry on the part of the growers. Not that gardening has by any means attained to that degree of perfection which the nature of the soil and climate would allow, and which might have been expected from the number of persons engaged in it, whether for the sake of profit or of recreation. But it must be observed that few, if any, have ever practised it exclusively or on a large scale, and that many of the vegetables, and even fruits and flowers, brought to market, are grown by persons who form only a better class of day labourers. These men, by the assiduous employment of their spare time, and of that gained by very early rising, contrive to cultivate, and often carefully too, the little cottage gardens of which they are the owners. From them, or from the numerous farmers within three or

four miles from the town, by whom the market is principally supplied, little more can be expected than the common routine of practice which has been found, from experience, generally adapted to the climate. As far as vegetables are concerned, towards which most of their attention is directed, their mode of culture answers remarkably well; on other subjects they have yet much to learn. Gardening, as a science, is totally unknown to the practical gardener, and has only lately been studied by the amateur. The establishment of a horticultural society, a few years since, has, however, given a great additional impulse to the already prevailing fondness for the art, and has been followed by a marked improvement in every department of culture, both useful and ornamental.

The climate of this island is undoubtedly favourable to the growth of plants in general, and offers peculiar advantages for the culture of certain species. Compared, however, in its effects on vegetation, with other climates of nearly the same temperature, the advantage is not always found on its side. A greater number of plants, it is true, will live and flourish in the open air in Guernsey, than in almost any other spot in the north of Europe, because several of those which are natives of warm climates, and which are destroyed by the severe frosts of England and France, are found capable of enduring our mild winters. On the other hand, hardy plants, which are indifferent to the degree of cold they are subjected to while in a state of rest, derive no benefit from our temperate seasons. Some of them even prefer climates of an inferior mean temperature, produced by a combination of great extremes of heat and cold, the former being requisite to perfect their growth and the maturation of their fruit.

For this reason, Humboldt, in order to obtain a mean estimate of the continuance and strength of vegetation in any climate, omits all consideration of

the winter or season of rest, and only takes into account the duration and average heat of the season during which hardy deciduous trees vegetate. The birch tree, which he selects as a criterion, puts forth its first leaves soon after the mean temperature has reached $51^{\circ} 8$. By comparing, therefore, the number of months above that degree, as well as the mean temperature of the whole of the same period in different climates, he determines their relative powers. Measured by this test, the climate of Guernsey is inferior to that of most places on the continent, under the same or even a somewhat higher latitude. Accordingly, we find that here the vine requires the assistance of a wall to ripen its fruit, while the choicest champagne is produced less than half a degree more to the south, and the most famous vineyards of the Rhine are situated from one-half to a full degree to the north of us. Compared in the same manner with that of London, the advantage is rather on the side of the latter. In both places the mean daily temperature rises to $51^{\circ} 8$, about the beginning of May, and continues at or about that point till the end of October, a period comprising half the year. The season of vegetation, for hardy trees, is thus of the same duration, but its temperature is somewhat higher in London.

We should, therefore, seek in vain for evidences of the genial nature of our climate, or of the earliness of our springs in the appearance presented by our timber trees in general. They do not come into leaf sooner than in the south of England, and besides enjoying no particular advantage in point of temperature, are constantly liable to serious injury from the gales that occur during the season of their growth.

Humboldt's method, however, though excellent when the object is to compare together climates of a continental character, or to ascertain the effect of any climate on the vegetation of plants of a particular

constitution, only serves, when applied to our own, to give a very imperfect idea of its capabilities. It is well known that many plants, including most of our vegetable and fruit trees, and numbers of garden flowers, vegetate at far lower temperatures. It has been found that, in all places whose mean temperature is below $62^{\circ} 6$, the revival of nature in spring takes place in that month of which the mean temperature reaches $42^{\circ} 8$ or $46^{\circ} 4$. Assuming 45° , or about the degree required for the horse chesnut to vegetate, as that which characterises the beginning of spring in these climates, that season would commence here a month earlier than in London. The same temperature is also continued a fortnight later in autumn. At that degree, we have thus an advantage of six weeks on the whole year; and at lower temperatures the difference is still greater. It is of full two months at $42^{\circ} 5$, and of three as regards the period of the year during which the thermometer remains constantly above the freezing point. If to this be added the usual mildness of the cold season and the general absence of hoar frosts, late in spring and early in autumn, enough will have been said to show the superiority of the climate for a variety of horticultural purposes, over that of most places in the same, and of many in more southern latitudes.

The principal drawback to these numerous advantages is found in the high winds to which the island is subject, and which render good shelter essential to the perfect and vigorous growth of most plants. The cold dry easterly gales, when they occur, as they do in some years, in March or April, after genial weather of some duration, are excessively injurious to tender excitable plants in which vegetation has just begun; and though these winds seldom actually produce frost at that season, yet in exposed situations they have been known to destroy some of the delicate shrubs which the winter had spared. Plants that do not

vegetate early escape all injury from easterly winds, which are seldom violent except in winter and spring, and they grow perfectly well in situations open to that quarter; but they suffer severely if exposed to the south-westerly gales that occasionally blow in summer and autumn. Every tree that raises its top above the surrounding shelter soon loses its symmetry, and in the form of its head slanting away from the south-west, sufficiently indicates the power and direction of the prevailing wind.

As a sequel to these observations of a general nature, it may be interesting to notice, in a cursory manner, a few of the useful and ornamental plants commonly found in our gardens.

Peaches, apricots, and other stone fruits, succeed perfectly against south, east, or west walls, whenever they have proper shelter. They are of excellent quality, and are brought to market in tolerable abundance.

Apples and pears having need of less protection from the wind, and being most of them very fruitful as standards, are in general cultivation, and good collections of both exist in private gardens. Only a few of the late-keeping pears require a wall; and some sorts which in England, even when so planted, seldom bear well, such as the crassanne and the gansell's bergamot, are here found as standards, capable of producing fine crops of small but excellent fruit, more highly flavoured than that from walls. Many of the best late varieties of apples are brought to market, and some good early pears; but of the latter fruit scarcely any late sorts are grown for sale, except the well known chaumontel, of which several trees are invariably found in every garden. There must certainly be something in the soil or climate of the Channel Islands peculiarly suited to this pear, for it seems to attain its highest perfection nowhere else,—the French gardeners themselves acknowledging that their own specimens cannot be compared with ours, either for

size or flavour. Indeed it is rated in France below many other sorts, while here it is in general a delicious fruit; when in perfection, esteemed equal to any, and by many superior to every other variety; perhaps because it prefers our more equable temperature, and the greater moisture of our atmosphere in autumn. This pear is grown and exported in considerable quantities. The large sized fruit being usually destined for presents, is sold at a high price; from £3 to £4 a hundred being readily obtained for pears that weigh from nine to twelve ounces, and £5, or even £6, for those of twelve to eighteen ounces.* The smaller ones of five to eight ounces, which form by far the largest portion of the crop, are sold by the bushel comparatively cheap, though not at all inferior to the rest in quality. Nearly ten thousand good sized pears, and two hundred and twenty bushels of small fruit, were exported in the year 1840. Trained in espalier, or as a dwarf standard, the tree can be made to bear large and excellent fruit; but the largest and best flavoured pears are grown against walls, a few occasionally attaining the weight of twenty ounces or more,—and one of extraordinary size was exhibited some years back, weighing twenty-eight ounces (thirty and a half ounces Avoirdupois). Those of twelve to fifteen ounces are considered very fine.

The fig is much esteemed, and the tree universally planted. Its growth is healthy and vigorous, and it yields plentiful crops, without any culture or care whatever beyond that required to keep the birds from the sweet and luscious fruit, of which they are excessively fond. The purple variety is preferred to every other yet tried, and in the month of September it is brought to market in large quantities, selling as low as three or four pence per dozen. The tree is seldom planted against walls, from which it seems to derive little advantage; the fruit, when it ripens, not re-

* Guernsey weight, which is almost ten per cent. heavier than Avoirdupois weight.

quiring heat so much as a free circulation of air, to abstract as rapidly as possible the juices with which it is surcharged in the last stage of its growth. The fig can never be too ripe, and is in perfection when allowed to shrivel slightly on the tree; but those brought to market are seldom in that state, as it renders them much more liable to injury from carriage or handling.

The vine, when properly managed, easily ripens its fruit against a wall, and quantities of grapes were formerly grown for market in that manner. The plant is still found covering the walls and roofs of many of the older cottages and farm houses; but its culture out of doors is now altogether neglected, because, owing to the cheapness of glass, numerous greenhouses have lately been built with a view to profit, some of them even by persons little above the class of cottagers. The management of the vine under glass is generally good; the crops are fine and of superior quality. Many hundred pounds of hot-house and greenhouse grapes are annually sent to London, the supply being much more than sufficient to meet the demand at home.

Walnut and chesnut trees grow well, especially the latter, but the produce is seldom so abundant or so fine as it is in France, and neither of them are now cultivated for the sake of selling the fruit, on account of the large supply of both that comes to the island from Brittany. The mulberry tree is found in many gardens, and plenty of fine and well ripened fruit of this kind may be purchased in its season.

Strawberries, raspberries, and other small fruits, are excellent in this island, and are brought to market in large quantities. It is remarkable that the best of all strawberries, the carolina or old pine, which in England is seldom grown for sale, as it does not, in most localities, bear so well as many other kinds, should here, on the contrary, have been found superior to

every other in fruitfulness, as it is also in flavour. This variety is consequently the only one cultivated for market, where, in the height of the season, it is brought in such profusion as to cost sometimes only 2d. or 1½d. per pound. It is frequently planted in orchards, and bears fine late fruit, even under the shade of the apple trees. Other sorts have been tried, and are still sometimes grown for private use, but only for the sake of variety or of obtaining earlier and later crops.

Melons are cultivated principally in gentlemen's gardens, and under frames, though some sorts will ripen well merely with the aid of hand glasses, and are occasionally grown in that manner; but the former method is usually preferred, both for the sake of obtaining earlier fruit and of cultivating the more delicate varieties.

Cucumbers are seldom forced for sale. They are raised in the open air, and consumed in great numbers by the country people, or sold in the market.

The mildness of the climate is highly favourable to the culture and growth of culinary vegetables in general, which are produced without forcing very early in the season, and are in most cases of superior size and quality. Even after the severest winters, fine broccoli are cut in the beginning of January, and in warm springs well grown new potatoes are occasionally seen in the market a week or more before the end of April.

Floriculture is rather a favourite pursuit among all ranks. The gardens of the gentry are of no great extent, but they are often well stocked with beautiful and valuable plants; and there are few cottagers who do not consider a little flower plot almost indispensable in front of their dwellings. It is, indeed, in this department of gardening that the many advantages of our climate are fully displayed. Several of even the hardy flowers require less care with us than they do in England; and a variety of tender ones are grown in the

open air, which would hardly endure the same exposure in the warmest spots of Devonshire and Cornwall.

In this island, when the temperature falls to 6° below the freezing point, the season is considered unusually severe; consequently, many of the Cape heath and hardier geraniums, as well as a number of shrubs and plants, natives of Australia, of the central parts of America, and other warm climates, easily survive our ordinary winters in sheltered situations, sometimes without any injury whatever. The Bath scarlet geranium, for instance, has for years together been seen clothing cottage walls, to the height of ten or twelve feet, with its dazzling blossoms. The *cobæa scandens*, *maurandia barclayana*, and other creepers of a similar nature are found still more hardy, and spring up naturally from seed, at the foot of the walls against which they are planted. Fuchsias grow with surprising luxuriance, the stronger sorts soon becoming shrubs of most inconvenient size, unless trained to a single stem like standard roses. Shrubby *calceolarias* last many years; even the tender *heliotropium peruvianum* continues to produce its fragrant flowers till late in November, and though cut down by a slight frost, will often spring up again from the root in the following spring.

It is true that the extraordinary winters of 1837-8 and 1840-1, proved fatal to many of the most interesting exotics which had for years been the pride of our gardens. The geraniums and Cape heaths, and most of the Australian shrubs, either died to the ground or were completely destroyed. During the last winter, the myrtle itself, and the coronilla, were in many gardens severely injured; perhaps in some instances killed. The beautiful *clianthus puniceus*, which had generally survived in 1838, perished this year in every garden. What, however, fortunately renders it probable that seasons like that we have just experienced only happen in these islands after

long intervals, is the fact that every plant was destroyed of a species of leptospermum, which had long been quite common in our shrubberies as a hardy evergreen, and of which some specimens must have previously withstood the frosts of nearly fifty winters.

For the culture of roots and bulbs we enjoy remarkable advantages. The periods of frosty weather are, even in the worst seasons, of such short duration, that the ground seldom freezes more than an inch or two in depth, and a slight covering of snow is sufficient to keep away the frost altogether; so that the situation of such plants below the surface of the soil insures, in almost every case, a complete protection from the cold. But it is especially in the culture of those kinds whose period of rest is the summer season, and which vegetate principally during the cool and rainy months of the year, that our climate claims a superiority almost unequalled north of the Mediterranean. As hardy plants, in their torpid state, are indifferent to the cold of winter, so these, finding our summer sufficiently warm and dry to induce that state of perfect rest essential to their health, are indifferent as to any deficiency in its temperature, compared with that of the same season in other countries; while the mildness and moisture of our autumn and winter, and the earliness of our springs, are admirably adapted to perfect their growth, and ensure a rich display of bloom. Among the most interesting flowers belonging to the class of winter growing plants are the innumerable species of *ixia*, *sparaxis*, and other cognate genera of Cape bulbs. The greater part of those hitherto introduced appear to thrive in nearly the same perfection and beauty as in their native soil; all of them perfecting their seeds, and some propagating in this manner almost like weeds. Many fine sorts are frequent in cottage gardens, where, though treated with no particular care, they emulate the commonest flowers in health and luxuriance.

The same or analogous habits are common to many of the amaryllis tribe ; and though these are in general more tender in their foliage than the plants just noticed, those among them which are sufficiently hardy derive a similar benefit from our climate. Of these, the belladonna and the Guernsey lily have long been in common cultivation, and other species have more recently been tried with great success. The former is perfectly hardy, and blossoms with certainty every year, often producing seeds. The Guernsey lily is far more tender, a slight frost being sufficient to injure the foliage ; an event which is generally fatal to the bloom. It is of great consequence to the formation of the flower bud that the foliage, which is produced in autumn, should continue in a healthy growing state during the whole rainy season, until it is checked and finally dried up by the hot weather in May and June. The plant then remains dormant till the month of September, when the flowers begin to appear. It is only after particularly mild winters that they are produced in remarkable abundance, the average number of flowering plants having been estimated at fifteen to eighteen in a hundred, and for some years past it has not exceeded half that quantity. Very little care is bestowed on the beds of Guernsey lilies ; they are never manured, but merely weeded, and sometimes slightly covered with sand ; the warmest spots in the gardens are never allotted to them, and they are usually found under apple trees, or in other partially shaded situations, not the most favourable to the growth of other plants.

We shall conclude by observing, that in the culture of plants under glass no little assistance is also derived from the nature of our climate. The deficiency of heat in summer is never felt in greenhouses, where the difficulty at that season is rather to preserve sufficient coolness by day ; whereas the mildness of the six colder months, and the superiority of our tem-

perature by night, nearly throughout the year, are of the utmost consequence, the necessity being thereby generally obviated of using artificial methods to exclude the cold. Formerly, glass structures for plants were seldom provided with any kind of heating apparatus; yet, in them, not only geraniums, but other species more tender still, some of which, in England, are always kept in stoves or hothouses, have long been cultivated in great perfection; and it is only since the disastrous experience of the late extraordinary winters that such precautions are beginning to be thought essential.

The foregoing observations, however superficial, may yet suffice to show how much additional beauty and interest might be created by a more extensive application of science and art to the purposes of gardening in this island,—especially as there is some reason to believe, from the experiments hitherto made on a limited scale, that under the influence either of the climate or the soil, plants of all descriptions, when raised from seed, are disposed to produce readily new varieties of increased beauty or value; and many of the Guernsey productions of this nature are beginning to be well appreciated by English gardeners. Already among fruits some superior apples and pears, and among flowers some splendid camellias and geraniums, and numberless beautiful sorts of the carnation, yellow picotee, and calceolaria, have amply repaid the labour and care bestowed on such attempts by our horticulturists. The *ixia*, too, and the *sparaxis*, have lately been observed to hybridise and vary from seed in a remarkable manner, many curious and elegant new kinds being now annually raised. In short, the acquisitions of this character are already so numerous and valuable, as to prove highly encouraging to those who take a pleasure in the fascinating pursuit after excellence and novelty.

A TABLE

Showing the true bearings and distances, by chart and in nautic miles, from and to the undermentioned places, as taken in a direct line to the nearest point of each ; also the computed distances, in statute miles, from chief harbour to harbour. Guernsey is situated in the English Channel, near the coasts of Brittany and Normandy, in $49^{\circ} 33' N.$ latitude, and $2^{\circ} 40' W.$ longitude, from the meridian of Greenwich. It is about 30 miles in circumference, including the windings of the coast, 9 miles in length, and 6 miles in breadth. The nearest part of England to Guernsey is the Start Point, distant 57 nautic miles, and of France Cape Flamanville, distant 24 nautic miles.

BEARINGS FROM GUERNSEY.	PLACES TO	NAUTICAL MILES.	STATUTE MILES.	BEARINGS TO GUERNSEY.	PLACES FROM
N.E. by E.	Dover.	180	210	S.W. by W.	Dover.
N.E. $\frac{1}{2}$ E.	Brighton.	125	145	S.W. $\frac{1}{2}$ W.	Brighton.
N.E. $\frac{1}{2}$ N.	Portsmouth.	96	114	S.W. $\frac{1}{2}$ S.	Portsmouth.
N.N.E. $\frac{1}{2}$ E.	Southampton.	97	115	S.S.W. $\frac{1}{2}$ W.	Southampton.
N.N.E. $\frac{1}{2}$ E.	Needles.	82	95	S.S.W. $\frac{1}{2}$ W.	Needles.
N.N.E.	Poole.	75	87	S.S.W.	Poole.
N. $\frac{1}{2}$ E.	Weymouth.	64	75	S. $\frac{1}{2}$ W.	Weymouth.
N. $\frac{1}{2}$ E.	Portland Isle.	59	70	S. $\frac{1}{2}$ W.	Portland Isle.
N. by W.	Lyme.	73	85	S. by E.	Lyme.
N.N.W.	Exmouth.	75	87	S.S.E.	Exmouth.
N.W. by N.	Brixham.	67	79	S.E. by S.	Brixham.
N.W. $\frac{1}{2}$ W.	Plymouth.	78	92	S.E. $\frac{1}{2}$ E.	Plymouth.
W.N.W.	Falmouth.	101	120	E.S.E.	Falmouth.
W.N.W. $\frac{1}{2}$ W.	Land's End.	122	140	E.S.E. $\frac{1}{2}$ E.	Land's End.
N.E.	Alderney.	15 $\frac{1}{2}$	21	S.W.	Alderney.
N.E. by N.	Caskets.	15	20	S.W. by S.	Caskets.
E. by N.	Herm.	24	34	W. by S.	Herm.
E. $\frac{1}{2}$ S.	Sark.	64	84	W. $\frac{1}{2}$ N.	Sark.
S.E. $\frac{1}{2}$ E.	Jersey.	15	30	N.W. $\frac{1}{2}$ W.	Jersey.
E.	Hâvre de Grâce.	122	140	W.	Hâvre de Grâce.
E. by N. $\frac{1}{2}$ E.	Cherbourg.	36	42	W. by S. $\frac{1}{2}$ S.	Cherbourg.
E.N.E.	Cape la Hague.	26	30	W.S.W.	Cape la Hague.
E. by N. $\frac{1}{2}$ N.	Dielette.	25	29	W. by S. $\frac{1}{2}$ S.	Dielette.
E. by N.	Cape Flamanville	24	28	W. by S.	Cape Flamanville
E.S.E.	Carteret.	32	37	W.N.W.	Carteret.
S.E. $\frac{1}{2}$ E.	Granville.	53	62	N.W. $\frac{1}{2}$ W.	Granville.
S.E. by S.	Cancalle.	63	74	N.W. by N.	Cancalle.
S.S.E.	St. Malo.	52	61	N.N.W.	St. Malo.
S.W. $\frac{1}{2}$ S.	Morlaix.	59	70	N.E. $\frac{1}{2}$ N.	Morlaix.
W.S.W. $\frac{1}{2}$ S.	Ushant.	114	133	E.N.E. $\frac{1}{2}$ N.	Ushant.

APPENDIX.



APPENDIX.

AN anxious wish to render this work as complete as possible up to the time of its publication, has induced us to include, in this appendix, those official documents to which we have had access since it was originally prepared for the press, and also to introduce some few brief paragraphs which had escaped our first researches.

INVASION OF THE CHANNEL ISLANDS.

During the early part of the reign of Edward the Third, the French, though bound by treaty towards England, covertly afforded assistance to the Scotch; and Philip, king of France, aided David Bruce, the exiled king of Scotland, with a well appointed fleet, in which David himself embarked, and with which he inflicted much evil upon the Channel Islands, and upon the Hampshire coast, about the year 1336.* In 1341, the attention of Edward was called to the outrages and havoc committed upon the English coasts and elsewhere by the French and Genoese, and by pirates, the character of England suffering by the impunity with which its coasts were insulted. Bahuchet, the French admiral, was hung by Edward, in 1340, on account of the enormities which he, "to say no more," had permitted at Southampton; and, in 1342, a fleet of galleys attacked and burnt Portsmouth, so that for some years the Channel Islands continued exposed to constant invasions, and their insecurity at that period may be easily conceived.

LA DESCENTE DES SARAGOUSAIS.

In the disputed succession to the dukedom of Brittany, (see p. 28,) a fleet of forty-six sail, few or none of burden, was collected at Southampton, in 1343, to convey succours to the adherents of the Earl of Montfort, in that province. Charles de Blois, aware of this armament, stationed Luis De Espana, a Spaniard, in his service, with two and thirty large vessels, having on board 1,000 men at arms, and 3,000 Genoese cross bowmen, off the island of Guernsey, to intercept it. The English were long on the passage, because of contrary winds, but upon approaching Guernsey, they descried the enemy, when the seamen pronounced

* Southey's *Lives of the British Admirals*; Rymer's *Fœdera*, vol. ii. pars ii., pp. 933, 969; and *Rotuli Scotiæ*, vol. i. p. 455, under the following head:—"Rex Edwardus mandat quod homines elegantur, armentur, et in insulas Gernerseye, Jereseye, &c., mittantur, ad eas defendendum ab invasione sociorum Scotiæ" (10 Ed. III. A.D. 1336). David II., son of Robert Bruce, returned to Scotland from France, after an absence of nine years, and assumed the government, Balliol having been expelled by the nobles.

them to be Genoese and Spaniards, and called upon the soldiers to arm quickly. The Genoese, in that age, were as celebrated for the use of the cross bow as the English were for the long, and the Genoese and Spanish seamen were alike remarkable for their skill and daring courage, in which qualities they were held by the English to be superior to either the French or Scotch mariners. The battle began towards evening, and raged fiercely; but as the night was dark and dismal, the combatants separated and cast anchor, "remaining in their harness," and thinking to renew the fight on the following morning. But about midnight there arose such a storm, "as though all the world should have ended, the elements contending with as great animosity as lately the two fleets had joined." The English weighed their anchors, and "bearing but quarter sail," got safely into a little harbour not far from the city of Vannes, so that the wind was evidently north-east, while the Genoese and Spaniards reached Rochelle, after losing two of their ships with all on board. The attack, known by tradition as '*la descente des Saragoisais*,' (see p. 33,) has been usually assigned to the invasion of Guernsey, by Yvon De Galles, in or about the year 1372; but, as he was in the service of France, we now incline to think that this "descente" was that of Luis de Espana, in 1343, it being most improbable that he would have remained for any time at sea in the neighbourhood of the island, when, with such an imposing force, he could anchor his vessels quietly at Grand Havre, or in the roadstead, and effect a landing. Moreover, the circumstance of the two fleets casting anchor, is a proof that they must have fought very near the shore. For a detailed account of this naval fight, near Guernsey, see Southey's *Lives of the British Admirals*, vol. 1, p. 278.

CHARLES THE SECOND.

When Guernsey was captured by the French, about the year 1338, (see p. 23,) several persons of note, residing in the parish of St. Martin, among whom are mentioned John De La Marche, Peter De Sausmarez, James Guille, John of Blanchelande, Peter Bonamy, and Thomas De Vauriout, are said to have conspired, to the number of 87 men, to expel the enemy, whom they fought at the Hubits. Being defeated, they embarked at a place called "*La Petite Porte*," and took refuge at Jersey, in the parish of St. Ouen, where their descendants were ever noted for their unshaken loyalty, on account of which, Charles II. is said to have shown them marks of his royal favour, during his residence in that island. There is an ancient family record at the seigneurie of St. Ouen, which states that the king, whilst on a visit to the De Carterets, offered a baronetcy to Paul Guille, a descendant of the above-named James Guille, on account of services rendered to himself or his royal ancestors, and that upon his refusing this title as inconsistent with his limited fortune, his estate ("*La Ville-au-Neveu*") was freed from the payment of tithe in perpetuity, which immunity the estate has enjoyed down to the present time.

It is surprising that Falle, in his *History of Jersey*, does not enter more into details relating to King Charles' sojourn in that island, which at that period could easily have been obtained, and could not have failed in exciting interest. Many curious incidents could then have been gathered from various sources, which at the present time are not available, as we understand that some most interesting documents, including several autograph letters, were destroyed by the late seigneur de Vinchelez-de-Haut, John De Carteret, of St. Ouen. This parish the king often visited, and occasionally resided in, though his head-quarters were always at Mont Orgueil, which is situated at the other extremity of the island. The families which he is known to have frequented while paying these visits, were those of De Carteret, of St. Ouen's manor, and De Carteret, of Vinchelez, a branch of the former family, to whose keeping he committed a gold stick and gold spur, to be produced and used whenever any member of the royal family should come to the island; and also John Le Cerf, Paul Guille, and Elias Dumaresq. He left a brace of holsters, a horse cloth, a pair of gloves, and a table cover, at the house of Mr. Dumaresq. The last of that name, who held those relics, was an old lady who died in the summer of 1840.

DUKES OF NORMANDY.

DUKES.	SURNAMED.	YEAR OF ACCESSION.
1. Rollo (a chieftain from Norway)		912
2. William I.	Longsword.	926
3. Richard I.	Sans Peur	943
4. Richard II.	The Good.	996
5. Richard III.		1026
6. Robert I.*.	The Magnificent, or the devil	1028
7. William†.	The Conqueror	1035
8. Robert II.	Courte-Heuse.	1087
9. Henry I.†.		1106
Inter-regnum ‡.		1135
10. Henry II.†.		1151
11. Richard†.	Cœur de Lion	1189
12. John†.		1199

The whole of the duchy of Normandy, excepting the Channel Islands, was wrested in 1204 from John, by Philip, king of France, and annexed to that kingdom.

FIEF LE COMTE.—(See p. 8.)

We have been misled by an old manuscript in stating that the seal of the Fief Le Comte, is a count on horseback.

The seal, which has the appearance of great antiquity, represents a knight in armour, *on foot*, drawing a sword; his head is surrounded by a glory, and above his shoulders are the letters *S.C.* It was probably intended to represent St. George, as it is near the ruined chapel of that name that the court of the fief is held. On a scroll surrounding the figure, is the following legend:—*sigill**** curie comit.* The second word we have not been able to decipher.

The only other feudal court entitled to a seal, is the court of the fief St. Michel. The seal represents the archangel vanquishing the devil, with the legend *Haniel. S. seneschal. du. Valle.*

ITINERANT JUSTICES.—(See p. 16.)

In the “*Placita de Quo Warranto*, Temp. Ed. I., II., III.” will be found the reports of causes tried in Guernsey and Jersey by English justices, in the reign of Edward the Second. They contain some curious matter, but are much too long for insertion or analysis here.

FOOT NOTES.—(See p. 31.)

These notes are taken from Bree’s sketch of this kingdom (England), during the fourteenth century, printed 1791. If the author did not mistake Gerneseye (it is misprinted *infra* Guerneseye) for Gerseye, as Jersey was often anciently spelt, it settles the disputed point as to whether Guernsey was captured about 1338, and held for three years by the French, because, had the island been in their possession in 1339, no order to repair the castle, &c., could have been issued to the governor of the isles, Sir Thomas De Ferrars.

SORCERY, WITCHCRAFT, & TORTURE.—(See p. 88 & foot note p. 449.)

The remarks of the Rev. T. Le Marchant do the more credit to his discrimination and humanity, because, at about the period of their being written, the celebrated Sir Matthew Hale—while presiding as lord chief baron at the trial of two unhappy women, who were indicted at the assizes at Bury St. Edmunds, in the year 1665, for the crime of witchcraft—is reported to have told the jury “that he made no doubt at all that there were such creatures as witches,” and the women were found guilty and executed. The conduct of Hale, on this occasion, has very justly been the subject of much sarcastic animadversion, although not to

* Robert the First visited Guernsey in the year 1032. (See p. 318.)

† Kings of England.

‡ During the usurpation of the crown of England by Stephen, count of Boulogne, nephew of Henry the First, and grandson of William the Conqueror.

profess a belief in sorcery and witchcraft, was in those days considered as irreligious. Mr. Le Marchant was a conscientious, as well as a humane and sensible man, and we hold his memory in high estimation.*

"This excellent man, (Mr. Le Marchant,) after taking his degrees at Cambridge, passed some years at the academy at Caen, where he enjoyed the friendship of the learned Bochart and Heuet. They corresponded with him on his return to Guernsey, and many of their letters were preserved until a fire at the *Grandes Malsons*."—*Memoirs of the late Major-General Le Marchant, by Denis Le Marchant, esq.* London, 1841.

MAJOR-GENERAL LAMBERT.—(See p. 110.)

John Lambert, major-general in the parliament army in the reign of Charles I. He distinguished himself at the battles of Naseby and Fife, and assisted Cromwell in his advancement to the protectorate, but opposed his taking the title of king. For this Cromwell deprived him of his commission, but, from prudential motives, granted him a pension of £2,000 a year. Being now divested of all employment, he withdrew to Wimbledon-house in a situation of mind but ill-calculated to enjoy the tranquillity of domestic retirement, for, on the death of the protector, he joined Fleetwood, Desborough, and others, in restoring the members of the long parliament, who had been dismissed, and for this was appointed one of the council of state, and colonel of a regiment of horse. The parliament, however, growing jealous of his influence in the army, directed him to resign his commission; this he absolutely refused, and, marching up to London, dislodged the parliament by force in October, 1659. He was then appointed major-general of the army, and sent to command the forces in the north; but General Monk having defeated him, and restored the parliament, he was deserted by his army, submitted, and was committed prisoner to the tower. At the restoration he was tried and condemned, but was pardoned, and died in exile at Guernsey.—*Granger*.

SIR JOHN JEREMIE.—(See foot note p. 115.)

Subsequently to the printing of the first part of this history, Mr. Jeremie was appointed captain-general and governor-in-chief of Sierra Leone; and knighted by Queen Victoria at Windsor, November 5, 1840.

BRAYE DU VALLE.—(See p. 177.)

Amounts paid by government to the undermentioned persons, for their respective proportions of land recovered by government, in the Braye du Valle, and at Rousse, on the 25th January, 1806. The Braye du Valle, while yet liable to be covered by the sea at high water, was nevertheless private property. When government undertook its recovery by means of the two embankments now existing, one at St. Sampson's harbour and the other near the Vale church, the whole of the land had first to be purchased from various individuals, whose names, and the sums they respectively received, are specified below:—

Eleazar Le Marchant	1-5th	£300 0 0
Harry Dobrée, in right of Josias Le Marchant	1-5th	200 0 0
John M. Doyle, in right of Charles Le Marchant	1-10th	150 0 0
Thomas De Saumarez, in right of Daniel Hardy	1-10th	150 0 0
William Le Marchant	1-15th	200 0 0
Sir James Saumarez	1-15th	200 0 0
William Le Marchant	1-15th	200 0 0
John Saumarez, guardian to the children of Is. Dobrée	1-15th	200 0 0
Thomas De Saumarez, for John Le Mesurier, esq.	1-15th	200 0 0
Sir James Saumarez	1-15th	200 0 0
Judith Dobrée	1-15th	200 0 0
Harry Dobrée, in right of Thomas Dobrée	1-15th	200 0 0
Daniel Dobrée	1-15th	200 0 0
N. Peter Dobrée	1-15th	200 0 0
Harry Dobrée, for the heirs of A. P. Dobrée	1-15th	200 0 0
Harry Dobrée, for Thomas G. Dobrée	1-15th	200 0 0
Harry Dobrée	1-15th	200 0 0

Paid 26th January, 1806. £1500 0 0

* On this subject, the reader may consult a tract on the "Illegality and Expediency of Religious Prosecution," by the author of this work.—Published by Hunt and Clarke, London, 1825.

Messrs. Hardy and Le Mesurier, for their salt pans, purchased 13th Sept., 1805. . £1750 0 0

QUANTITY OF LAND RECOVERED.

	<i>Vergées. Perches.</i>			<i>Vergées. Perches.</i>	
Hardy and Le Mesurier's salt pans	56	25			
Their portion in the Braye	23	15			
				80	0
In the Braye, formerly belonging to the above individuals				610	6
At Rousse				42	0
Vergées				732	6

DEPORTATION OF CRIMINALS AND PAUPERS FROM GUERNSEY.

(See pp. 211-219.)

TO THE MOST NOBLE THE MARQUESS OF NORMANBY.

The answer of the royal court of Guernsey, to the memorial of the mayor, aldermen, and burgesses of Southampton.

MY LORD,—The mayor, aldermen, and burgesses of Southampton, complain of the serious inconvenience to which they are subject, from the number of paupers and offenders ejected from the islands of Jersey and Guernsey, and landed at the port of Southampton.

The royal court of Guernsey, beg to observe on the part of that island, that there might be cause of complaint if these paupers and offenders were natives of Guernsey, which they are not. No Guernsey pauper has ever been sent, as such, to England, and from no place are fewer natives banished for crime; of these few, the whole may be said, with hardly a solitary exception, to go to Jersey or to sea.

Your lordship will be pleased to bear in mind, that the paupers and offenders complained of are not natives of Guernsey, neither born there nor fallen from the clouds; they are in fact English or Irish, come from England, and a source of greater expense and inconvenience to Guernsey than to Southampton.

There can be no doubt that these vagrants annoy Southampton, annoy other ports in England, and annoy Guernsey. We put it respectfully to your lordship, —which has most right to complain,—England, whence they originally come, or Guernsey, whence they are sent back? Guernsey is the place injured; it is, therefore, most strange that a complaint should be made from England, where the evil originates, and be directed against Guernsey, which is so much aggrieved.

The mayor, aldermen, and burgesses complain that the landing of the convicts and vagrants at Southampton occasions the expense of maintaining a larger police than would otherwise be required, and of increasing the amount to be paid under the head of casual relief to the poor. There is a complaint precisely similar from Guernsey. The influx of vagrants is so increased, owing to the facilities of communication, that the police of the town, which used to be superintended by two constables and four assistant-constables, now requires the superintendence of two constables and fourteen assistant-constables. And yet, with all their care to enforce the law which subjects masters of ships to take back, at their cost, the vagrants they may have landed here, if they become chargeable within a certain time, large sums are annually levied on the rate-payers for the maintenance and passage of English paupers. Besides which, the town hospital, an admirable institution, is burthened with many having no legal right there, so that, out of two hundred and sixty-one inmates, one hundred and nine are strangers, or born of strangers, almost all of whom are English, Scotch, and Irish; whereas, in all England, it would be difficult to find a single Guernsey pauper.

The mayor, aldermen, and burgesses state, "that Guernsey has no criminal law." If this were true, in a community like ours, the most orderly perhaps of any having trade and navigation to the same extent, it would be a strong argument for the abrogation of all criminal law. But these gentlemen are in error; Terrien's *Commentaries on the Norman Law*, by royal authority, have force of law in this island, and the twelfth book treats exclusively "of crimes and criminal prosecutions." Death is the punishment of some of these crimes, and it may, after sentence of the royal court, be inflicted without appeal.

These gentlemen say, "that instead of inflicting exemplary and adequate pu-

nishment on delinquents of the most abandoned class, they are transported to Southampton, and to other ports." So sweeping an assertion is well calculated to mislead her majesty's government. But your lordship need not be assured that our leniency is not by any means carried to that extent, though it may be far in advance of the ideas of the mayor, aldermen, and burgesses of Southampton. Their charge is so general, that it would not be easy to meet it satisfactorily, did they not cite the case of David Brook, as a case in point to substantiate it, and request your lordship to attend particularly to the said case. We, therefore, equally pray your lordship's attention to it, so that your lordship may judge whether it warrants their accusation.

David Brook came from Southampton, to this island, in November, 1838. Shortly after his arrival, complaints were made that he went begging from house to house, and enforced his demands of relief by threatening gestures. A constable attempted to arrest him: he menaced the constable with an open knife, escaped, secreted himself, and returned to England. In December, 1839, David Brook arrived a second time from Southampton, was recognized, and brought before the court. His former violence and obstruction of the constable were in themselves deserving of punishment. But David Brook was deaf and dumb,—more than a twelvemonth had elapsed since his offence,—and the court, sitting in its correctional police capacity, is not accustomed to enter into the merits of police cases of more than a year's standing, and, treating him as a vagrant, ordered him back to his own country, in default of giving bail of his future good conduct.

The chief complaint is the landing of culprits and paupers at Southampton. But have not the greatest pains been taken to render it the central port for passengers to and from England? To attract them to that focus, every facility of conveyance is afforded by sea and land. The good and bad will, of course, be drawn to that place, and, on the whole, Southampton is benefited beyond any port. For the authorities of that town to repine at inconveniences which are natural consequences of its prosperity, is unreasonable. To be the means of pouring out numbers of paupers into other countries, and think of shutting out their return, is not only unreasonable, but unjust. It is impossible to prevent English paupers from landing in an English port: when arrived at Southampton, they will be passed to their respective parishes: if any belong to Guernsey, let them be sent here—there are daily opportunities of doing so. The island has no wish to palm a single pauper of its own on England; but circumscribed as it is, the island has neither the wish, nor the means, to maintain, and become the receptacle of, the numberless paupers issuing from England.

In the name of the royal court of Guernsey,

I have the honour to be, my Lord, &c.,

DANIEL DE LISLE BROCK, bailiff of Guernsey.

Court-house, Guernsey, 7th July, 1840.

SOUTH PIER COMMENCED.—(See p. 223.)

"The south pier was begun in 1570; the order in council is dated 3d October, 1580. Item, No. 15. 'That whereas there hath been heretofore a certain petty custom given by her majesty, to be levied on strangers' goods, to the inhabitants of the isle, towards making of a certain peer or chaussée before the town of St. Peter's-Port, which was begun ten years ago.' Copied from original manuscripts in the possession of J. Hubert, esq."—*Annals of some of the British Norman isles, constituting the bailiwick of Guernsey, by John Jacob, esq.* Paris, 1830.

PRINTING PRESSES.—(See p. 264.)

We have mentioned that, as late as the year 1775, there were no printing presses in the island. In the Harleian MSS. there is a letter from Mr. Walsingham to the Lord Burleigh, dated at Vernon, in France, 25th May, 1571, in which he "desires that a Book of Common Prayer, translated into French, (of which he has seen some printed in Guernsey,) may be sent to him to show to monsieur." We

suspect that Walsingham was in error as to the place of printing. Among the few documents relative to Guernsey, in the Harleian MSS., are the following :—

"Litteræ Patentes R. Edward III. super Confirmatione Libertatum ac Privilegiorum quæ et quas Antecessores sui concesserunt Hominibus Insularum de Jeresey, Gernerye, Serke, et Aureneye. Teste, &c., 10 die Julij, anno Regni 15.

"Litteræ Patentes R. Henrici VIII. de Confirmatione Libertatum ac Privilegiorum Insularum de Guernesey, Serke, et Aucney. Teste, &c., 5 die Martij, anno Regni I.

"In ijs recitantur Cartæ Regum Henrici VII. et Edwardi IV. ut aliunt, per Inspeximus."

"Order of the Privy-Council inhibiting the Courts of Westminster, especially the Chancery and Courts of Requests to award any process against the Inhabitants of the Isles of Jersey & Guernesey. 21 June, 1555."

"Letter of the lords commissioners to Sir William Coventry, to hinder the sending of prizes to Guernesey and Jersey, where imbezements and other abuses have been committed upon ships brought in thither by commanders of his majesties frigats, particularly Captaine Knevitt, of the Richmond. A.D. 1666."

SHARES OF THE BANK OF THE UNITED STATES.—(See p. 272.)

These shares, early in May, 1841, were quoted in London as only worth £4 10s. each, so that the loss to the island on fully 6,000 shares, whose original cost averaged nearly £25 per share, is at present above £120,000. We mention this ruinous and cruel depreciation in the hope that it may serve hereafter as a warning lesson in the investment of insular capital abroad, especially as so much of it has also been lost in the Spanish, Portuguese, and Spanish American public securities. The withering effects of these continued losses have of late become but too perceptible, especially among the many families of the higher classes relying on extraneous incomes for support.

ECCLESIASTICAL HISTORY.

In the foot note at p. 317, it is stated by Lecanu, that the church attached to the convent of Cordeliers is that now used as the parochial church of the town. This is incorrect, for the church of the Cordeliers stood opposite the entrance of the "Cimetière des Frères," on the ground now occupied by stables, and seems to have been used for a few years as the school room of Elizabeth college and dwelling-place of the master.—See report of the committee appointed in 1823 to investigate the state of the endowed schools of the island.—*Jacob's Annals*, p. 351.

In the list of churches and chapels at p. 322, St. Clair, in the parish of St. Sampson, St. Mallière or Magloire, in the Clos du Valle, and St. Brioc, at St. Peter's, are omitted. All three have long since disappeared. The chapel of Notre Dame de la Perrelle, at St. Saviour's, is mentioned in old documents. Whether this was the same as St. Apolline, which is situated near the bay of La Perrelle, we have not been able to ascertain.

From the report of the commissioners sent hither in the reign of James I., there appears to have been, prior to the reformation, a chapel in the Vingtaine de l'Epine, serving as a chapel of ease to the inhabitants of that part of the Vale, who were often prevented from attending their parish church by the overflowing of the sea, at the Braye. The revenues were seized by the crown, in the reign of Queen Elizabeth, and the building suffered to go to decay.

There was also a chapel in the "Cimetière des Sœurs," at the bottom of Cornetstreet, commonly called Le Belfroi, and in old documents, La Chapelle du Sépulcre. It was used for many years as a prison and guard-house, and was at last brought down to make room for graves.

By trusting too implicitly to Lecanu's "Histoire des Evêques de Coutances," the author has been misled at p. 323, and has confounded Bellouse with Alderney. Bellouse is the ancient name of the parish of St. Martin, called in the Précepte d'Assize, St. Martin de la Bellouse, and in the pleas of "Quo Warranto," held in this island in the reign of Edward II., Sanctus Martinus de Bellosa (see p. 402). An estate near the church is still called La Beilleuse. The presentation to the living was vested in the abbot of Blanchelande, who possessed great part of the lands in the parish, now known as the "Fief Blanchelande." The patronage is

now in the hands of the crown. The late greffier, Mr. George Lefebvre, is the present proprietor of this fief, and, as such, answers at the chief pleas, when the abbot of Blanchelande is cited. He holds his court as lord of the manor.

Alderney, the church of which is dedicated to St. Anne, appears, in the reign of Henry III., to have belonged, one half to the king, and the other half to the chapter of Coutances.—See Berry's History of Guernsey, p. 289.

The old chapel at Sark was dedicated to St. Mary.

Page 330. On referring to the records at the "greffe," we find that, in the act of the royal court condemning these women to be burnt, in which is recited the act of the ecclesiastical court, by which they were delivered over to the civil powers, as well as in the act which records the execution of the sentence, no crime whatever is imputed to them but heresy.

The abbey of Lessey, at p. 332, should perhaps properly be the abbey of St. Leufroy.

About the year 1768, of the eight rectors in the ten parishes of Guernsey, one was an Englishman, Dean Crespian, of French extraction, six were Frenchmen, and one was a Swiss, so little inducement had the natives to accept church preferment in the island at that period. A Guernseyman, the Rev. Joshua Le Marchant,* fellow of Pembroke college, Oxford, was soon after appointed rector of St. Peter-Port. At present the eight rectors are natives of Guernsey.

SUNDAY DRILLING OF THE MILITIA.—(See p. 360.)

It was the natural consequence of his public character that those who were in any difficulty, especially if it was connected with religion, applied at once to him as the redresser of their wrongs. The Sunday drilling, which had just been introduced into the Channel Islands, was most offensive to the religious principles of the Wesleyan methodists, and their refusal to conform to the appointment of the local government subjected them, in many instances, to fine and imprisonment. They appealed to Mr. Wilberforce, and, whilst still at Broomfield, he had seen Mr. Dundas upon the subject, and procured the promise of his interference in their cause. He now heard from Dr. Coke, that not only were these oppressive measures still maintained, but that, on the 18th of October (1798), at the states meeting of the isle of Jersey, it was determined to proceed to banishment against those who refused to perform this military duty. To appeal against this bill he moved hastily to London, and having reached Broomfield on the 10th of November, "went on the 13th to town on the methodist business," but found that "neither Pitt nor Dundas were come." Within a few days he convinced Mr. Dundas of the injustice of such a needless violation of the rights of conscience, and after some delay succeeded in getting "the Jersey methodists' cause decided in their favour—banishment bill assent refused."—*Life of Wilberforce.*

ANTIQUITIES.

CROMLECHS AT THE VALE.—(See pp. 374 and 377.)

The first, and largest, stands on the waste upon an eminence near l'Ancresse, and is composed of five cumbent stones, decreasing in size from about twenty-five to ten tons in weight, covering an area twenty-nine feet long, and nearly twelve feet wide at the western end, which is semi-circular, narrowing to an entrance at the east, of about eight feet. The drift of sand had so completely covered this monument of antiquity, that its discovery, in 1812, was the effect of accident: it has been, as yet, but imperfectly explored. The remains of two or three antique earthen vessels, and a quantity of human and other bones (some of them bearing evident marks of fire), were dug up,—a sufficient proof of its having been sepul-

* An anecdote, in connection with the visit of Wesley to the island, may be worth recording.—Wesley waited on Mr. Le Marchant, as rector of the town parish, and was courteously received. Another rector, not a native, who happened to be present, and who felt probably not very kindly disposed towards the visitor, said somewhat abruptly, as Wesley was approaching, "Who is this fellow?" "Fellow of Lincoln" (the college at Oxford, in which Wesley had actually held a fellowship,) was the rector's ready reply. To this instance of good natured tact Wesley was fond of alluding.

chral, if not devoted to the inhuman purpose of druidical sacrifice. The other* is situate to the north-west of, and distant about three quarters of a mile from Vale castle, in a direction towards the former, and seems likewise to have been composed of five cumbent stones, four of which have sunk into the earth and sand, only one large granitelle stone being conspicuous, fifteen feet seven inches long, about eight in breadth, and three feet in average thickness; weighing, it is supposed, about fifty-four tons, and supported upon seven other upright stones; but whether the earth beneath was ever explored, I know not.—*Berry*.

"La fontaine des Fées," mentioned at p. 376, is described by very old people, who remember to have seen it in their youth, as having been situated in a kind of cave, formed by large blocks of stone, with an entrance at each end. The water was never known to fail even in the driest weather. Near it stood a cromlech, called "Le Gibet des Fées," where, it is said, the last of the fairies destroyed themselves. This cromlech is said to have consisted of three large upright stones supporting a fourth, a form which is very common in Cornwall and elsewhere, but of which we have no example remaining in this island.

The stone pulpit, mentioned at p. 379, and there called "La Chaire du Prêtre," is also known by the name of "La Chaire de St. Bonix."

MILITIA OF GUERNSEY.—(See p. 413.)

Our manuscript gives a curious statement of the militia force of the island, when mustered on the 27th August, 1621. The town furnished three hundred and twelve men; St. Peter-in-the-Wood, one hundred and twenty; Torteval, forty-five; St. Andrew's, sixty-three; St. Martin's, one hundred and thirty-six; the Forest, sixty; St. Sampson's, fifty-seven; the Câtél, one hundred and twenty; the Vale, one hundred and fourteen; St. Saviour's, one hundred and thirty. In all, eleven hundred and fifty-seven fighting men.—*Guernsey and Jersey Magazine*, vol. 1. p. 51.

The following is a summary of the general return of the male population of the island of Guernsey, from the age of sixteen and upwards, and their distribution in the several departments of the royal militia force of the island, on the 1st January, 1841:—

	GUERNSEY.						ALDERNEY.		SARK.	
	Artillery.	1st Regiment.	2d ditto.	3d ditto.	4th ditto.	Total.	Artillery.	Infantry.	Infantry.	Total.
Effectives of all ranks . .	248	550	601	379	326	2104	51	92	98	241
Recruits under 30 years	56	231	137	66	39	529				
Battery men, including men with legal causes of exemption, and those above 45 and under 60	202	745	463	316	261	1987				
Invalids, men above 60 .	62	195	187	134	134	712				
Strangers, civilians . . .	22	108	88	20	2	240				
Half-pay and pensioners	85	45	5	40	3	178				
Total	675	1876	1510	955	765	5781	51	92	98	241

JOHN GUILLE, inspector of militia.

* The view from the top of this cromlech, which is situate a short distance north of Havre de Bordeaux, is one of the most beautiful in this island. We recommend to all strangers to visit both these cromlechs, commonly known as Druids' altars.

ORDINANCES OF THE ROYAL COURT AND CHIEF PLEAS.—

(See p. 451.)

The following additional citations will complete our notice on this subject. 1529, Oct. 4.—No person allowed to keep more than one dog, under a penalty of twenty livres. 1534, Oct. 5.—The price of candles affixed at twenty deniers per pound; not to be exceeded under a penalty of eighteen sous. 1553.—The price of oil affixed at two gros the pot, not to be exceeded under a penalty of three livres. 1576, Jan. 21.—Masons' wages not to exceed five etelins per day (a fraction above two pence per day). 1577.—Parties affianced shall not live together before marriage has been solemnized in the church, under a penalty of three livres. 1602, Oct. 4.—Seeing the incontinence which is daily committed by many young men, who, before marriage, get their betrothed with child, to the great dishonour of the glory of God, scandal of the church, and infamy of the parties, it is ordered by justice, that any young men so offending shall be constituted prisoners at Castle Cornet, "en basse fosse," for fifteen days, on bread and water. 1643, Aug. 9.—Considering the extreme necessity we stand in for means of defence against the invasion of our enemies, strict prohibition is given this day to all the inhabitants in no way to leave the island on the penalty of having their goods seized and applied to the public use in the manner the authorities may deem fit, excepting the dealers in stockings, who are in the habit of going to Paris for the conducting of their business in this place, such dealers having the liberty of leaving, but no others. 1676.—No douzenier to be chosen in the town unless he has previously served as constable. 1685, May 4.—Riding on Sunday, from parish to parish, prohibited, and the horses of those riding out of their parish to be seized by the constables.

The oldest document existing in the "greffe" is dated 20th January, 1527, it being supposed that the records previous to that period were taken to Coutances, Berry says that most of the ancient records were destroyed when the greffier's office was burnt, about one hundred and fifty years ago, but on inquiry there appears to be no foundation for this statement. If we could have obtained the ordinances of a century or two earlier than those we have cited, they would doubtless have afforded data of a most curious and singular character.

ORMERS.—(See p. 522.)

An eye witness of the ormer fishing, on the 9th March, 1841, it being a very low spring tide, computed that, in the bay of La Perrelle, there were at least two hundred persons, who, in three hours, caught, each, on an average, one hundred, making 20,000 ormers in one bay alone: some men had from three hundred to four hundred and fifty ormers each. The export to Jersey, in the spring, is very great.

POPULATION OF GUERNSEY IN 1727.

"13 Fév., 1727.—Habitants trouves se monter en nombre à 10,500, dont la ville en faisait 4,500—de sorte qu'allouant un denier de grain la semaine à chacun pour sa subsistence, il nous faut annuellement 21,000 quartiers de bled."—*Extracted from the greffe.*

On the 3d May, 1841, the number of houses in Guernsey was ascertained, preparatory to the taking of the decennial census, and the following table exhibits the returns in each parish in 1831 and 1841:—

	1831.	1841.
St. Sampson	190.	254
Vale	238.	275
St. Mary de Castro	298.	338
St. Saviour	312.	309
St. Peter-in-the-Wood	234.	240
Torteval	78.	73
Forest	120.	123
St. Martin	284.	319
St. Andrew	177.	185
	<hr/>	<hr/>
	1,831	2,016
St. Peter-Port	1,810	2,312
	<hr/>	<hr/>
Total	3,641	4,328

BAILIFFS FROM THE REIGN OF EDWARD I.*

1284.—Gaultier De La Salle.	1538.—Thomas Compton.
1298.—Rodolph De Grand.	1545.—John Harrivel.
1304.—Peter Le Marchant.	1549.—Hilary Gosselin.
1325.—Peter De Garis (doubtful).	1572.—William De Beauvoir.
1330.—Gaultier De La Hogue.	1585.—Thomas Wigmore.
1351.—John De La Lande.	1596.—Lewis De Vic.
1359.—John Le Marchant.	1600.—Amias De Carteret.
1384.—John Nicolle.	1631.—John De Quetteville.
1393.—Gervais De Clermont.	1644.—Peter De Beauvoir.
1409.—Edmund De Chesneye.	1661.—Amias Andros.
1412.—James Coquerell.	1674.—Sir Edmund Andros, kt.
1439.—Thomas De La Cour.	1714.—John De Sausmarez.
1446.—John Henry (doubtful).	1728.—Joshua Le Marchant.
1450.—William Quertier.	1752.—Eleazar Le Marchant.
1470.—Peter De Beauvoir.	1758.—Samuel Bonamy.
1481.—Nicholas Facion.	1771.—William Le Marchant.
1482.—John Blondel.	1800.—Robert Porret Le Marchant.
1499.—John Martin.	1810.—Sir Peter De Havilland, kt.
1511.—James Guille.	1821.—Daniel De Lisle Brock.

JURATS.

The oldest list in existence of these magistrates reaches only to the year 1527, when the twelve jurats were as follows :—

Year of election.	Year of election.
Nicholas Facion	William De Beauvoir 1565
James Le Feyvre	Nicholas De Sausmarez
Nicholas De Rozel	Thomas Le Marchant
Henry De Beauvoir	Nicholas Le Messurier
Nicholas De La Cour	Nicholas Martin
James Blondel	Nicholas Pajeot
James De Havilland	Leonard Le Messurier
Thomas De Vic	Nicholas Gosselin
Nicholas Carey	Nicholas Carey, jun 1569
Peter Martin	John Jones
Thomas Henry	Nicholas Trohardy 1571
John Le Messurier	John De La Cour 1573
John Effart 1535	Henry De Beauvoir 1574
Nicholas Carey 1535	William De Beauvoir 1578
Nicholas Blondel 1536	Thomas Blondel 1580
John Martin 1539	E. Le Feyvre
John Blondel 1539	— Henry 1581
Nicholas De Lisle 1539	Thomas Le Marchant
John Le Marchant 1540	John Andros 1582
John Le Feyvre 1542	John De Sausmarez 1582
Peter Henry 1547	Peter De Beauvoir 1584
Peter Bonamy 1548	Callas Lihou 1585
Nicholas De La Cour 1550	James Le Feyvre
Nicholas De Garis 1550	Peter Carey 1588
Leonard Blondel 1551	— Le Marchant 1591
Nicholas Martin, son of John 1553	John Effart 1592
John De La Marche 1553	Nicholas Martin, son of Nicholas 1593
James Perin 1556	Francis Allez
Richard De Vic 1557	Nicholas Martin, son of Peter
Thomas Effart 1558	Henry De Beauvoir
James Guille 1560	George Guille 1597
John Blondel, son of Callas 1561	Leonard Blondel

* Warburton and Berry differ in their lists of the ancient bailiffs, as do two MSS. which we have consulted. The above list is as correct as it can now be made.

	Year of election.		Year of election.
Nicholas Le Feyvre.....	1598	John Andros.....	1684
Peter Brehaut.....	..	Wm. Le Marchant, son of James.	1685
Hilary Le Pelley.....	..	Eleazar Le Marchant, son of Ths.	1687
Nicholas Carey, son of Nicholas..	1603	Nicholas Le Huray.....	1691
James De Beauvoir.....	..	Peter Carey.....	1694
Thomas De Beauvoir.....	1606	John Renouf.....	1696
Thomas De Lisle.....	1607	Amias Andros.....	1701
Thomas Andros.....	1609	Peter Martin.....	1702
Eleazar Le Marchant.....	1610	Hilary Bonamy.....	1703
John Bonamy.....	1612	Thomas Fiott.....	1704
Thomas Le Marchant.....	1614	Peter Priaulx.....	..
John Fautrart.....	..	Charles Andros.....	..
John De Quetteville.....	1616	James Carey.....	..
John Blondel, son of Leonard.....	1617	John Andros.....	..
James Guille.....	1621	Daniel De Beauvoir.....	1709
John Gosselin.....	1622	Nicholas Thoume.....	1711
John Blondel, son of Thomas.....	..	Joshua Le Marchant.....	1716
Peter De Beauvoir.....	1627	John Guille, (St. George).....	1717
Peter Gosselin.....	..	Eleazar Le Marchant.....	1719
Josias Le Marchant.....	..	Peter Carey.....	1719
Peter De Beauvoir.....	1630	Samuel Bonamy.....	1721
Thomas De Beauvoir.....	1631	Peter Carey, son of John.....	1725
Thomas Carey.....	1632	Thomas Le Marchant.....	1726
Peter Gibault.....	..	John De Havilland.....	1729
— De Sausmarez.....	1633	James De Beauvoir.....	..
John Brehaut.....	1637	John De Garis.....	1728
John Carey.....	..	William Le Marchant.....	1735
John Fautrart.....	1646	Lawrence Fiott.....	1742
Joshua Gosselin.....	..	Daniel De Lisle.....	..
John Le Pelley.....	..	Samuel Bonamy.....	1744
Peter Brehaut.....	1648	John Andros.....	1746
Peter Carey.....	..	John Ozanne.....	1752
John Bonamy.....	..	John Guille, (St. George).....	1752
James Le Marchant.....	1649	John De La Mare.....	1753
James De Havilland.....	1651	William Le Marchant.....	1754
John De Quetteville.....	1653	Charles Andros.....	1758
Andrew Monamy.....	..	Thomas De Lisle.....	..
John Le Messurier.....	..	Thomas Dobrée.....	..
James Guille, (St. George).....	..	Richard De Beauvoir.....	1764
Philip Boudain.....	..	Lawrence Carey.....	1765
William De Beauvoir.....	1658	Joshua Le Marchant.....	..
John Brehaut, Torteval.....	1661	Nicholas Dobrée.....	..
Charles Andros.....	..	Thomas Le Marchant.....	..
Peter De Lisle.....	..	Nicholas Reserson.....	1770
John De Sausmarez.....	..	Peter De Jersey.....	..
Daniel De Beauvoir.....	..	Elisha Tupper.....	1771
Elisha De Sausmarez.....	..	John Carey.....	1772
James Carey.....	..	John Carey.....	1777
John Blondel, (St. Saviour).....	..	Thomas Dobrée.....	1777
James De Beauvoir.....	1669	James Hubert.....	1777
John Bonamy.....	1671	Peter Falla.....	1777
William Le Marchant.....	..	John Guille.....	1777
William Andros.....	1673	Eleazar Le Marchant.....	1778
Isaac Carey.....	..	Charles Mauger.....	1779
Thomas De Lisle.....	1674	Robert Porret Le Marchant.....	1784
John Martin.....	1677	Peter De Havilland.....	1785
George Andros.....	1679	John Tupper.....	1798
Thomas De Beauvoir.....	..	Carteret Priaulx.....	1798

Year of election.	Year of election.
Daniel De Lisle Brock 1798	Peter Le Pelley* 1820
Peter De Jersey 1799	John Hubert 1821
John La Serre 1800	John Le Marchant 1822
Josias Le Marchant 1802	Peter Le Coeq 1822
Henry Frederick Brock 1802	Sir William Collings, kt. 1823
Peter Le Pelley 1802	Hilary O. Carré 1829
John De Lisle 1804	Frederick Mansell 1830
John Guille, (St. George) 1810	Peter B. Dobrée 1831
James Carey 1810	Thomas W. Gosselin 1832
John Le Messurier 1810	Thomas Le Retilley 1835
Hilary Carré 1812	Harry Dobrée, jun. 1836

CHANGES IN THE LAWS OF INHERITANCE.

By an order in council, dated July 13, 1840, and registered on the 3d August, 1840, several important changes in the laws of succession and inheritance, were effected. These were, in substance, as follows:—

- 1.—The right of the sons to the *vingtième*, or twentieth part of the estate, to be abolished.
- 2.—Sons and daughters inheriting real property to take, the sons two-thirds, and the daughters one-third; provided a son have no more than double the portion of a daughter, nor a daughter more than the portion of a son.
- 3.—The eldest son to have one-seventh of the furniture, also family portraits, and plate or other objects given by public bodies to his father or ancestors.
- 4.—The youngest daughter to make the lots, when only daughters share,—the choice afterwards to be according to seniority.
- 5.—The *préciput* of the eldest son not to extend beyond a single enclosure.
- 6.—When the enclosure from which the *préciput* is taken does not contain one-third of the land to be divided, the eldest son may take land to the extent of the said third in another part of the estate, on paying the value thereof to his co-heirs.
- 7.—No *préciput* to be taken from the estate of a surviving father or mother, if one has already been taken from that of the first deceased parent, unless, in taking such *préciput*, the eldest son had it valued by the douzaine of the parish, and brings back the value thereof; in which case he may take the second *préciput*.
- 8.—The barriers of the town, within which all houses and land are shared among the children, according to article 2, made to comprise all properties within a line, commencing at Long Store, and passing through the Amballes, Côtils, Vauxlorens, Hospital-street, by old college pump, St. James'-street, Grange-road, upper part of Vauvert-road, Petites Fontaines lane, Mount-durant pump, Charotterie pond, Park-lane steps, down Vardes-road, and Havelet-road, to the sea.
- 9.—Properties within the barriers, to be valued by the douzaine, and each separate property to be successively offered, at the price of the valuation, first to the sons, and afterwards to the daughters, according to seniority.
- 10.—Married daughters may, on bringing back the capital they have received, share in the successions of their father or mother; but they may also retain such capital, and waive their right to share.
- 11.—In collateral successions to *propres*, or inherited real property, neither males nor their descendants shall exclude females or their descendants.
- 12.—In collateral successions to personal property, and *acquêts*, or purchased real property, the next of kin to the deceased, in parity of degree, both males and females, shall share the property in the same proportions as property of this nature, whether personal or real, would be shared in the direct line; and representation of degree shall be allowed when nephews and nieces come to the succession of an uncle or aunt, with the brothers and sisters of the deceased, but not otherwise.
- 13.—Parents shall inherit personal property, and purchased real property, from the last of their descendants.
- 14.—Persons having no descendants may dispose by will, or by deed of gift, to

* Seigneur of Sark, drowned 1st March, 1839, while crossing from Sark to Guernsey.

take effect at their death, the whole of their purchased real property, and also their inherited real property, if there are no relatives in the second degree belonging to the line whence that property has been derived.

15.—Wills of real property to be distinct from those of personal property.

16.—Wills of real property to be signed by the testator in presence of two jurats of the royal court,—or before the bailiff and two jurats, in the case of a wife whose husband is living.

17.—Wills of real property may be deposited at the greffe-office, on payment of 2s. 6d. to the greffier. Testator may put them under a sealed envelope, and can, at any time, without payment, re-take possession of them.

18.—Any person, after proof of the death of an individual, may ascertain at the greffe if any will has been deposited there,—fee, 2s. The will, once opened, may be read by any individual on the payment of 1s. fee to the greffier.

19.—Wills of real property shall be registered at the greffe.

20.—After registration, any person may obtain copy of a will; but the original must always remain at the greffe.

21 to 26 refer to the manner in which real property bequeathed is to be taken possession of,—and the duties incumbent on the legatees.

27.—The right of redemption is abolished with regard to all real property disposed of by judicial public auctions.

28.—A married woman to have no hypothecation for her dower on any part of the estate of her husband's ancestor, except by special judicial contract.

29.—Mothers, in the same manner as fathers, shall not give, by will, more to one child than to another. Parents may order the portion of their property coming to their married daughters, to be placed in trust during the husband's life.

30.—Articles 1, 2, and 8 not to apply to families where the eldest child has obtained the age of fourteen years, when the present law is promulgated. Article 7 not to apply to eldest sons, aged fourteen years, at the said period.

MARRIAGE AND REGISTRATION ORDINANCE.

Another important law, passed in 1840, was an ordinance extending to the island the provisions of the English marriage and registration acts. It was obtained only after much persevering and united effort on the part of the various bodies of dissenters, the Wesleyans, who stood aloof, alone excepted. The measure, as a whole, was thrice rejected by the states,—but repeated appeals to her majesty's government, who recommended, if not commanded, the passing of the ordinance, at length had the effect of inducing the states to adopt the whole measure, with the single exception of a clause involving the principle, that the civil ruler had no right to regard marriage otherwise than as a social institution, and therefore allowing marriages to be performed before the registrar without a religious service. This clause a majority of the states, composed of several of the jurats, the whole of the clergy, and the douzeniers of the town, and of three or four other parishes, voted against; whilst the bailiff, one or two jurats, the procureur, and one or two douzaines, voted for it. For it, however, more than for any other, the dissenters strenuously contended,—alleging that their recognition of authority in the civil ruler to exact the performance of a religious ceremony in order to the possession of a purely civil, not to say absolutely natural right, would be an abandonment of their fundamental principle—an acknowledgment that civil rulers could exercise authority in matters of conscience and religion. They, therefore, made a last appeal to her majesty in council; and the states having signified their intention to remain passive, and having even entreated government itself to pass the measure into a law, an order in council, dated the 3d October, 1840, was issued, embodying all the articles prayed for by the dissenters, not excepting that which allowed marriages at the registrar's office.

By this law, marriages may be performed in licensed chapels, in presence of the registrar,—or at the registrar's office, without any religious service. By this law, also, all births are to be registered within thirty days from the date thereof, at the registrar's office, under a penalty not exceeding 20s.,—an improvement on the English bill, which does not make this registration compulsory. All deaths must be reported to the registrar within eight days under a similar penalty.

EXTRACTS RELATING TO GUERNSEY.

the "Fœdera Conventiones Litterarum, et Cujuscunque Generis Acta Publica, Inter Reges Angliæ et alios quosvis, Imperatores, Reges, Pontifices, Principes, vel Communitates; ab Ingressu Gulielmi I. in Angliam, A.D. 1066, ad nostra usque tempora habita aut tractata. Londini, 1816, six volumes folio.)"

De auxilio in insulis Gernesey & Jersey levando, ad sustentand' milites qui prædictas insulas ab extraneis defendunt.

A.D. 1203. Rex, &c., ballivis Petri de Pratel' de insulis de Gersæ & Gerner', &c.

Pat. 5 Joh. n. 17. Volumus & firmiter præcipimus, quod episcopi, abbates, in Turr. Lond. abbatissæ, clerici, milites, vavasores & alii qui redditus & tene-
menta habent in insulis Gersæ & Gerner' quintam partem red-
dituum suorum unius anni, sive feodorum sive elemosinarum, præbent, ad
sustentand' milites & servientes qui prædictas insulas defendunt ab extraneis. Et
ideo vobis mandamus quod hæc ita fieri faciatis.

Teste meipso, apud Alenc', xij. die Augusti.

Breve Regis inquisitione faciendâ super consuetudinibus & serviciis hominum insularum de Geresia & de Gerneria.

A.D. 1248. Henricus, Dei gratiâ, Rex Angliæ, dominus Hiberniæ, dux
An. 32 Hen. III. Normanniæ, Aquitaniæ, & comes Andegaviæ, dilecto & fideli
Bibl. Harl. suo Drogoni de Barantine, custodi insularum de Geresia & de
Lib. 1617. fol. 1. Gerneria, salutem.

Quia, sicut satis didicimus, inquisitio quam aliàs à vobis fieri fecimus, de consuetudinibus & serviciis quæ homines earundem insularum facere consueverunt temporibus prædecessorum nostrorum, Regum Angliæ, minus est sufficiens, vobis mandamus quod per tot quot expedire videritis, & tales qui meliùs sciant & velint dicere veritatem, iteratam inde distinctè & exquisitè faciatis inquisitionem; simul quas & cujuscumque leges dominus Johannes Rex, pater noster, instituit in insulis prædictis; & inquisitionem illam sub sigillo vestro, & sigillis eorum per quos facta fuerit, nobis mittatis, & hoc breve.

Teste meipso, apud Merleberge, undecimo die Septembris, anno regni nostri tricesimo secundo.

Littera prioris monasterii Montis Sancti Michaelis, in periculo maris, supplicatoria super injuriis, eidem illatis per ballivum Regis in insulis de Gernesoy & Jersey.

A.D. 1274. Excellentissimo domino Edvardo, Dei gratiâ, illustri Regi
An. 2 Edw. 1. Angliæ, frater Radulphus, humilis prior monasterii montis
Lib. B. fol. 285 a. Sancti Michaelis in periculo maris, ejusdemque loci conventus,
in Thesaur. Cur. sui devoti fideles, & assidui pariter oratores, salutem & subjec-
Recept. Scacc. tionem, cum omni promptitudine ad obsequia præparati.

Ad vestri excellentiam, nobis nostroque monasterio semper piam & favorem, necessitatis tempore recurrimus desolati, tamquam ad clipeum nostrum tutissimum, alibi refugium non habentes, ut indigentia nostræ, nostrique monasterii medelam dignemini adhibere.

Hinc est quod, cum parum aut nihil habeamus, nisi quod à vobis & antecessoribus vestris caritative nobis fuerit datum & concessum; & quia, super hujusmodi donationibus & concessionibus, in quibusdam juribus nostris, in absentia vestra diuturnâ, per Helnandum Johannis de Contino, ballivum vestrum in insulis Gernesoy & Gersoy, oppressi fuimus & graviti, prout vobis lator præsentium declarabit, quem ob hoc ad vos mittimus conquerentes:

Dominationem vestram piissimam exoramus humiliter & devotè in Domino Jesu Christo, quatenus, amore Dei & beatissimi Michaelis Archangeli, vobis placeat dictum ballivum, seu ejus allocatos & consillarios, super prædictis molestiis, gravaminibus, oppressionibus & injuriis, ab eodem nobis illatis, refrænare, & nos in dictis libertatibus & concessionibus in Domino caritative fovere; ita quod vestri gratiâ, prout hactenus consuevimus, inde valeamus liberè & quietè perfrui, & per vestri excellentiam, pietate plenam, quietè Deo familiari.

Valeat dominatio vestra regia benè & diu in Domino per tempora longiora.

Dat' anno Domini MCCLXXIV. die Lunæ post Resurrectionem Domini.

Pro hominibus insularum Gerneseye, Jersaye, Serk', & Aureneye.

A.D. 1309.
An. 2 Edw. II.
Claus. 2 Edw. II.
m. 7. d.
in Turr. Lond.

Rex venerabili in Christo patri R. eadē gratiā, episcopo Constantien', salutem.

Cum habitatores insularum nostrarum Gernesie, Jersesye, Serk', & Aureneye in foro ecclesiastico in causum trahi non debeant, nec hactenus trahi consueverint, super aliquibus quorum cognitio ad nos pertinent; vobis mandamus firmiter inhibentes, ne quemquam de insulis predictis, ad comparandum coram vobis, seu commissariis vestris quibuscumque super hujusmodi citetis, seu citari faciatis; nos enim parati simus & erimus omnibus & singulis conqueri se volentibus, super premissis in curiā nostrā plenam & celerem justiciam exhibere; & si quid per vos, seu commissarios vestros in hac parte minus ritē fuerit attemptatum, id facitis sine dilacione aliquā revocari; ne ad vos, tanquam ad regine dignitatis nostre impugnatorem, graviter capiamus.

Dat. apud Langel', iii. die Aprilis. —

Ne quis, homines de insulis Gernesie, Jersaye, Serk', & Aureneye, citari faciat, ad comparandum coram episcopo Constantien' super causā cujus cognitio ad Regem pertinet.

A.D. 1309.
An. 2 Edw. II.
Claus. 2 Edw. II.
m. 5. d.
in Turr. Lond.

Rex dilecto & fideli suo Ottoni de Grandisono, custodi insularum Gerneseye, Jersesie, Serk', & Aureneye, vel ejus locum tenenti, salutem.

Cum, sicut intelleximus, quidam homines insularum illarum, quas tenetis ad terminum vite vestre, ex concessione domini E. quondam Regis Anglię patris nostri, & quę post decessum vestrum ad nos & heredes nostros reverti debent, non habentes consideracionem ad jus nostrum regium in hac parte, tam ministros vestros quam alios homines partium earundem ad comparandum coram episcopo Constantien', & aliis iudicibus ecclesiasticis extra easdem insulas, super hereditatibus, feodis & suis feodalibus responsur', quorum cognitio infra easdem insulas ad nos merē spectat, maliciose citari faciunt, in nostri prejudicium & exheredacionem manifestam:

Nos, hujusmodi maliciam sustinere non volentes, vobis mandamus, quod in plenis civis in insulis predictis, & aliis locis ubi expedire videritis, ex parte nostrā firmiter inhiberi faciatis, ne quis, sub forisfacturā terrarum & tenementorum suorum, necnon & omnium, quę nobis forisfacere poterit, citare faciat, seu citari procuret, aliquem ministrum insularum illarum, seu aliquem alium de eisdem insulis ad comparandum coram prefato episcopo, seu alio iudice ecclesiastico super hereditatibus, feodis, seu feodalibus, aut super aliquibus aliis, quorum cognitio ad nos pertinet responsur'.

T. R. apud Westm', xv. die Maii. —

De fidelitate abbatisse Sanctę Trinitatis de Cadoma.

A.D. 1327.
An. 1. Edw. III.
Claus. 1. Edw. III.
p. 2. m. 17.
in Turr. Lond.

Rex, dilecto & fideli suo, Ottoni de Grandisono, custodi insularum de Gerneseye, Jersesye, Serk', & Aureneye, vel ejus locum tenenti, salutem.

Sciatis quod cepimus fidelitatem, dilectę nobis in Christo, Nicholę, abbatisse Sanctę Trinitatis de Cadoma, in Normanniā, de terris & tenementis, quę de nobis tenet in insulis predictis, & quę, occasione mortis ultimę abbatisse loci predicti, capta sunt in manum nostram, & illa ei reddimus.

Et ideo vobis mandamus, quod eidem abbatisse, vel ejus procuratori, seu attornato in hac parte, terras & tenementa predicta, cum pertinentiis, liberetis, salvo jure cujuslibet.

Teste Rege, apud Eborum, tertio die Junii.

De terris religiosorum, secundum pacem cum Franciā reformatam, in insula de Gerneseye, Jersesye, Serk' & Aureneye, liberandis.

A.D. 1328.
An. 2 Edw. III.
Claus. 2 Edw. III.
m. 37.
in Turr. Lond.

Rex, dilecto & fideli suo Ottoni de Grandisono, custodi insularum suarum de Gerneseye & Jersesye, Serk' & Aureneye, vel ejus locum tenenti in eisdem insulis, salutem.

Cum super dissensionibus & discordiis, inter dominum E. nuper Regem Anglię, patrem nostrum, & Regem Francię,

nuper exortis, inter ipsum Regem, & nos pax & concordia jam existant, Deo propitio, reformatæ.

Vobis mandamus quod terras & tenementa religiosorum, ac aliorum de protestate dicti Regis Franciæ, quæ occasione discordiarum & dissensionum prædictarum, in insulis prædictis, capta fuerunt in manum dicti patris nostri, & in manu nostrâ, & in custodiâ vestrâ sic existunt, liberetis tenenda prout ea tenuerunt ante captionem supradictam; volumus enim vos inde erga nos exonerari.

Teste Rege, apud Eborum, xiii. die Februarii.

De distringendo episcopos & alios homines de Normannia, ad faciendum Regi homagium & fidelitates.

A.D. 1328. Rex, dilecto & fideli suo, Johanni de Roches, custodi insula-
An. 2. Edw. III. rum de Jerneseye, Jerseye, Serk, & Aurneeye, salutem.
Claus. 2. Edw. III. Quia accepimus quod episcopi, abbates, priores, & alii
m. 15. homines de Normannia, qui de nobis tenent in insulis prædictis
in Turr. Lond. per homagia, fidelitates, & alia servitia, asserunt se homagia & fidelitates suas nobis facere non debere, nisi ubi prædecessores eorum progenitoribus nostris ea facerunt, temporibus quibus insulæ prædictæ parcellæ de Normannia existerunt:

Vobis mandamus quod omnes illos de Normannia, qui de nobis in insulis prædictis tenent, & nobis inde fidelitates facere tenentur, sine dilatione distringatis, ad fidelitates suas, coram nobis, in insulis prædictis, nobis faciendas; & homagia illorum, qui nobis homagia facere tenentur, ponatis in respectum quamdiu nostræ placuerit voluntati.

Teste meipso, apud Clipston', xxx. die Augusti.

Per ipsum Regem & concilium.

De castro vocato Girburgh, in insulâ de Gerneseye, perficiendo.

A.D. 1328. Rex, dilecto & fideli suo, Johanni de Roches, custodi insula-
An. 2. Edw. III. rum de Gerneseye, Jerseye, Serk, & Aurneeye, salutem.
Claus. 2. Edw. III. Quia accepimus quod quoddam castrum, vocatum Girburgh
m. 14. in predictâ insulâ de Gerneseye, pro majori salvatione partium
in Turr. Lond. illarum, nuper inchoatum fuit ad construendum, & adhuc plenè constructum non existit; & quod dominus E. nuper Rex Angl' pater noster, mandavit quod castrum illud de exitibus insularum prædictarum, & de quibusdam aliis bonis perficeretur;

Vobis mandamus quod, si ita est, tunc castrum illud de exitibus & bonis hujusmodi, quamcunq; commodè fieri poterit, per visum aliquorum proborum & legalium hominum de partibus prædictis, perfici faciatis; prout pro majori commodo nostro & salvatione partium prædictarum, fore videritis faciendum.

Et custodes quos in permissis apposueritis, cum illos sciverimus, vobis in com-
poto vestro de exitibus prædictis allocari faciemus.

T.R. apud Clipston', xxvi. die Augusti.

Per ipsum Regem & consilium.

De castris in insulis prædictis, muniendis.

A.D. 1328. Rex, eidem, salutem. Quia accepimus quod castra nostra
An. 2. Edw. III. insularum prædictarum, victualibus, armaturis, & aliis hujusmodi necessariis, munita non sunt, per quod tam nobis quam partibus illis, quamplurima damna possent de facili, quod absit, evinire;
Claus. 2. Edw. III. Nos, hujusmodi periculis volentes precavere, vobis mandamus
m. 14. quod castra prædicta victualibus, armaturis, & aliis hujusmodi necessariis, prout ad majus commodum nostrum & salvationem partium illarum, fore videritis faciend', de exitibus insularum illarum, per visum aliquorum proborum & legalium hominum partium earundem, muniri faciatis:

Et custodes quos in hac parte apposueritis, cum illos sciverimus, vobis in com-
poto vestro de exitibus prædictis, allocari faciemus.

Mandavimus enim vicecomitibus nostris London', quod centum & viginti targeas, centum arcus balistos ad pedem, & viginti arcus balistos ad troll'; necnon

vicecomiti nostro Suth', quod ipse centum millia de parvo Talshid & duo millia carbonum busce, in eorum ballivis emi & provideri, & usque Portesmouth' cariari faciant, pro munitione castrorum predictorum, & vobis, vel attornato vestro in hac parte, liberari.

T. ut supra.

Per ipsum Regem & consilium.

De ordinando pro salubri & securâ custodiâ insularum de Gernereye, Jerseye, Serk, & Aureneye.

A.D. 1335.
An. 9 Edw. III.
Claus. 9 Edw. III.
m. 9. d.
in Turr. Lond.

Rex, tenenti loca dilectorum & fidelium nostrorum, Willielmi de Monte Acuto & Henrici de Ferrariis, custodum insularum nostrarum de Gernereye, Jerseye, Serk, & Aureneye, salutem.

Quia datum est nobis intelligi, quod magna classis navium guerrinarum, hominibus ad arma, & aliis diversis de partibus exteris munitarum, supra mare congregata existit; & quod iidem homines alienigenæ cum navibus illis, nos & gentes nostras, tam in insulis predictis quam alibi, per terram & per mare, si possint, gravare proponunt;

Nos, ipsorum præsumptuosæ maliciæ obviare, & salvationi insularum predictarum, ac aliarum terrarum nostrarum circumquaque providere volentes, vobis mandamus, quod omnes homines, tam milites, armigeros, quam alios homines defensabiles, dictarum insularum quoscunque arraietis, & de consilio & avisenento discretorum hominum insularum predictarum, de salvâ & securâ custodiâ dictarum insularum, & omnium castrorum & fortalicionum in eisdem insulis existentium, contra hujusmodi hostiles aggressus alienigenarum & aliorum hostium nostrorum, si qui nos & gentes nostras in eisdem insulis, gravare præsumperint, ordinetis, prout melius & securius fore videritis faciendum:

Ita quod per vestri negligentiam seu repiditatem, dampnum vel periculum eisdem insulis, aut gentibus nostris ibidem, non eveniat quoquo modo.

Damus autem universis & singulis insularum predictarum, tenore præsentium in mandatis, quod vobis, in omnibus quæ ad salvam & securam custodiam ac defensionem insularum predictarum pertinent, intendentes sint & respondentes, prout eis scire faciatis ex parte nostrâ.

T.R. apud villam Sancti Johannis, xx. die Aug.º

Per cons'.

[*Et erat patens.*]

Mandatum de intendendo commissariis ad tractandum apud London' de defensione Angliæ in quo Rex iterum vendicat sibi dominum maris Anglicani.

[*Extract.*]

A.D. 1336.
An. 10 Edw. III.
Rot. Scot.
10 Edw. III. m. 3.
in Turr. Lond.

Rex, universis et singulis comitibus, &c., &c., salutem.

Nuper, ut pro certo intelleximus, David de Bruys & nonnulli alii de Scotia, hostes nostri, & sibi adherentes, copiosam navium & galearum multitudinem, in diversis locis supra mare, & etiam in aliis locis & portubus exteris, congregari fecerunt, & mercatores & alios regni nostri per mare transeuntes hostiliter aggredientes, tam naves ac bona & res ipsorum subditorum nostrorum quam quasdam alias naves, propè litora Insulæ Vectæ jacentes ancoratas, mercatoribus & marinariis, indictis navibus existentibus, nequiter interfectis, pluries ceperunt, & secum abduxerunt, insulasque nostras de Gernereye & Jerseye hostiliter etiam sunt ingressi, incendia, homicidia, & alia mala & facinora, tam ibidem quam supra mare, diversimodè & inhumaniter perpetrantes.

De arraiando homines insularum Gernereye, Jerseye, Serk, & Aureneye.

A.D. 1337.
An. 11 Edw. III.
Pat. 11 Edw. III.
p. 1. m. 6. d.
in Turr. Lond.

Rex, universis & singulis, archiepiscopis, episcopis, abbatibus, prioribus, comitibus, baronibus, militibus, libere-tenentibus, ballivis, ministris, & omnibus aliis fidelibus suis insularum suarum de Gernereye, Jerseye, Serk, & Aureneye, salutem.

Quia datum est nobis intelligi quod quidam, Scotis, inimici nostris, adherentes, dictam insulam de Serk, & quasdam alias partes earundem insularum, nuper hostiliter invaserunt, & incendia, homicidia, &

alia facinora diversa, ibidem inhumaniter perpetrarunt, & proponunt iterum ibidem mala consimilia perpetrare, nisi ipsorum militum virilius obvietur;

Nos, de fidelitate & circumspectione dilecti & fidelis nostri, Thomæ de Ferariis, quem custodem insularum nostrarum prædictarum jam constituimus, confidentes;

Assignavimus ipsum Thomam, ad levandum & arraiandum omnes homines insularum prædictarum defensabiles, & in millenis, centenis, & vintenis, ponendum, & ad eos, bene arraiatos, & armis competentibus sufficienter munitos, ducendum, pro salvatione & defensione insularum prædictarum, contra hujusmodi hostium incursus, si qui dictas insulas, vel aliquam earundem, invadere, vel gravare, præsumpserint, clam vel palam;

Et ad eosdem hostes, si ibidem taliter accesserint, expugnandum, & pro viribus destruendum; & ad deputandum sub se alios idoneos, quos sufficientes viderit, in insulis prædictis, & ipsarum quolibet, ad levationem, arraiationem, & ductionem hominum prædictorum faciend', quotiens, & ubi ipse ad hoc personaliter vacare non potest:

Et ideo vobis mandamus, nihilominus in fide & dilectione, quibus nobis tene-mini, firmiter injungentes, quod eidem Thomæ, & deputandis ab eo, in præmissis, omnibus & singulis, & aliis, salvationem & defensionem insularum prædictarum, & repulsionem hostium nostrarum, concernentibus, pareatis & intendatis, & vos ad hoc viriliter exponatis; ita quod, ob vestri inobedientiam, vel trepiditatem, damnum vel periculum, quod absit, eisdem insulis, aut earum alicui, non eveniat ullo modo.

Damus enim præfato Thomæ, & deputandis ab eo, plenam, tenore præsentium, potestatem arrestandi, capiendi, & prisonis nostris committendi, omnes illos, quos in præmissis rebelles, vel inobedientes, invenerint, in eisdem detinendi quousque aliud inde, consideratâ hujusmodi rebellione, duxerimus ordinandum.

In cujus, &c.

Teste Rege, apud Eborum, xi. die Maii.

Per ipsum Regem.

Super titulo ad regnum Franciæ; super viis pacis oblati; & de pravariatione Philippi de Valensio, declaratoria.

A.D. 1340.
An. 14 Edw. III.

Bibl. Cotton.
Otho D. II.
f. 106.

Universis Rex, &c.

Qui, [Philippus] juxta scelerala mandata sua, super hoc sibi facta, cum navibus & galeis armatis, insidiantes nostris fidelibus super mare, nonnullas naves regni nostri, onustas mercibus, ceperunt & depredarunt, ac homines existentes in eis, nullius mali conscios, nequiter occiderunt, & insulam nostram de Gerneseey invadentes hostiliter, ecclesias, & ædificia singula redigerunt in miserabilem cibum ignis, interficientes quos illuc invenerant, ætati, sexui, vel ordini non parcendo, & alia mala nobis & nostris intulerunt, quæ longum foret per singula reserare.

Litteræ Regis ad homines Insularum de Gerneseey, Jerseey, Serk, & Aurensey, de gestu benevolo continuando.

A.D. 1341.
An. 15 Edw. III.

Claus. 15 Edw. III.
p. 1. m. 35.
in Turr. Lond.

Rex, dilectis & fidelibus suis, probis hominibus insularum de Gernerceie, Jerseey, Serk, & Aurensey, salutem.

Ex relatu nunciorum vestrorum, ad nos ex parte vestrâ transmissorum, & tenore petitionum suarum coram nobis & concilio nostro exhibitarum, statum insularum earundem, ac discrimina eisdem jam imminencia & in proximo verisimiliter superventura, nisi maturior addatur succursus; & etiam consuetudines per vos inibi usitatas & approbatas, cæteraque plurima inde dependentia, ut illæa conserventur & illibata, continentium, pleno collegimus intellectu:

Vobis significantes quod dilectum & fidelem nostrum Thomam de Hamptom, de cujus circumspectione & industriâ plenam fiduciam reportamus, ad dictas partes, aditius quo poterit, ordinavimus profecturum, ad statum partium illarum supervidendum, ac dictas insulas & castra & fortalicia nostra ibidem, ac vos & vestra per vestri consilium & auxilium dirigendum, consultius & securius defensandum, ac jura vestra & consuetudines vobis, ut convenit, conservandum:

Vestram igitur dilectionem attentius rogamus, quatinus gestum vestrum penes nos in tuitione insularum prædictarum continuè benevolum continuare velitis pro viribus per augmentum, vosque in necessitate viriliter exponere, prout decet, & præfato Thomæ, tanquam custodi nostro earundem insularum, intendere & parere; sibi etiam in dicendis vobis quæ sibi super hiis injunximus, credere; & quæ pro nobis in hac parte petieret, adimplere, ut ex hoc vobis laudis titulus adquiratis, & sinistrum obloquium evitetis.

Dat' apud Langele, xviii. die Marc'.

Pro hominibus insularum de Jersey, Gernereye, Serk, & Aureneye.

A.D. 1341.
An. 15 Edw. III.

Pat. 15 Edw. III.
p. 2. m. 38.
In Turr. Lond.

Rex, omnibus ad quos, &c., salutem. Sciatis quod nos, gratâ memoriâ recensentes quam constanter & magnanimitè dilecti & fideles nostri, homines insularum nostrarum de Jersey, Gernereye, Serk, & Aureneye, in fidelitate nostrâ & progenitorum nostrorum, Regum Angliæ, semper hactenus perstiterunt, & quanta pro salvatione dictarum insularum, & nostrarum conservatione jurium & honoris ibidem sustinuerunt, tam periculo corporum quam suarum dispendio facultatum; & proindè volentes ipsos favore prosequi graciosi;

Concessimus pro nobis & hæredibus nostris, dictis hominibus insularum prædictarum quod ipsi, hæredes & successores sui, omnia privilegia, libertates, immunitates, exceptiones & consuetudines, in personis, rebus, monetis & aliis, eis, virtute concessionum progenitorum nostrorum, Regum Angliæ, vel aliâ legitimè competentia, habeant & teneant, ac eis sine impedimento vel molestatione nostri, hæredum vel ministrorum nostrorum quorumcumque, plenè gaudeant & utantur, prout ipsi & eorum antecessores, habitatores dictarum insularum eis usi sunt rationabiliter & gavis, quæ jam eis in formâ prædictâ generaliter confirmamus.

Volentes ea, cum super his plenè informati fuerimus, prout justum fuerit, specialiter confirmare.

In cujus, &c.

T. R. apud Turrin London', x. die Julii.

Per petitionem de cons' in parlamento.

Super insulis de Gernereye, Gereseye, Serk, & Aureneye.

A.D. 1342.
An. 16 Edw. III.

Claus. 16 Edw. III.
p. 1. m. 10.
In Turr. Lond.

Rex, thesaurario & baronibus suis de scaccario, salutem. Quia ex parte dilecti & fidelis nostri Thomæ de Hampton nobis est ostensum, quod cum vicesimo die Martii, anno regni nostri Angliæ quintodecimo, custodia insularum de Gernereye, Gereseye, Serk, & Aureneye sibi per nos commissâ fuisset, habenda eodem modo quo Willielmus de Monte Acuto & Henricus de Ferrar' custodiam insularum prædictarum prius habuerunt; & licet insulæ prædictæ tunc temporis de guerrâ contra Philippum de Valesio & alios inimicos nostros de Francia fuissent & adhuc existant, & eâ de causâ destruantur & vastentur, & in parte per dictos inimicos nostros occupentur; ac moneta ibidem pro tertiâ parte debilitetur; per quod idem Thomas de tanto pro eisdem insulis quantum alii, qui custodiam insularum illarum tempore pacis habuerunt, reddiderunt, pro eisdem respondere non potest;

Vos tamen ad hoc considerationem non habentes, ipsum Thomam ad respondendum nobis de tanto pro insulis prædictis, de quanto præfati Willielmus & Henricus, qui custodiam insularum illarum tempore pacis habuerunt, onerati fuerunt in compoto ipsius Thomæ ad scaccarium prædictum onerare nitimini, in ipsius Thomæ dispendium non modicum & gravamen; super quod nobis supplicavit sibi per nos de remedio provideri;

Vobis mandamus, quod si vobis legitimè non constare poterit, prædictum Thomam, prætextu guerræ prædictæ, tantum de insulis per annum quantum prædicti Willielmus & Henricus nobis pro eisdem annuatim reddiderunt, pro tempore quo idem Thomas custodiam earundem insularum sic habuit, non levasse nec levare potuisse, tunc compotum prædicti Thomæ juxta id quod de eisdem

tempore commissionis nostræ sibi de custodiâ prædictâ factæ levare potuit, ac de misis & custobus circa salvam custodiam insularum illarum & operationes inibi ex hac causâ per ipsum Thomam rationabiliter appositis, ac de vadiis suis & hominum suorum illuc pro munitione dictarum insularum, juxta formam indenturæ indè inter nos & ipsum Thomam factæ, retentorum, audiat & ulterius faciat quod ad finalem exitum compoti illius noveritis pertinere.

T. R. apud Westm', viii. die Junii.

Per ipsum Regem & cons'.

De Castro de Cornet in insula Gereseye nuper capto, Thomæ de Ferrariis liberando.

A.D. 1345.
An. 19 Edw. III.

Rot. Vascon.
19 Edw. III. m. 3.
in Turr. Lond.

Rex, dilectis & fidelibus suis Petro Bernardi, de Tholosa & sociis suis, magistris & admirallis galearum que ad nos de civitate nostrâ Baionæ ultimo venerunt, & Petro de Farges magistro navis vocatæ La Dieu Gard' de Baiona, salutem.

Mandamus vobis quod castrum nostrum de Cornet in insulâ de Gereseye, per vos & quosdam alios fideles nostros de guerrâ captum, & in custodiâ vestrâ jam existens, dilecto & fideli nostro Thomæ de Ferrariis, custodi insularum nostrarum de Gereseye, Gernereye, Serk, & Aureneye, cum armaturis, victualibus, & omnibus aliis rebus nostris in castro prædicto existentibus, per indenturam indè modo debito conficiendam, liberetis, ad opus nostrum custodiendum :

Volumus enim, & vobis tenore præsentium licentiam dedimus specialem quod, factâ liberatione prædictâ, vos ad dictum civitatem Baionæ & alibi quo volueritis, liberè & absque impedimento transire valeatis, & nos vos de capitione castri prædicti erga quoscumque, indempnes conservari faciemus :

Mandavimus etiam præfato Thomæ quod castrum prædictum à vobis recipiat, & salvo custodiri faciat in formâ prædictâ.

Dat apud Westm', xxviii. die Aug'.

Per ipsum Regem.

Indentura de custodia de Gernereye, Gereseye, Serk, & Aureneye.

A.D. 1354.
An. 29 Edw. III.

Claus. 28 Edw. III.
m. 27. d.
in Turr. Lond.

Ceste endenture faite entre nostre seigneur le Roi d'une part, & monsieur William Stury d'autre part, tesmoigne :

Que le dit William ad empris la gard des isles de Gernereye, Gereseye, Serk & Aureneye, pur terme de trois annz, comenceant le secound jour d'Averill preschein avenir, à ses propres custages es totes choses, & recevra à son oeps toutz les profitz, issues, & revenues des dites isles, durant le terme susdit, rendant à nostre dit seigneur le Roi CCli. par an à son eschequer.

Et outre nostre seigneur le Roi ad grante de sa grace especiale, que la dite ferme lui soit allowe d'an en an au dit eschequer, en partie de satisfaction des dettes, queles il saura monstret par cleres evidences, que nostre seigneur le Roi lui doit, jus à la somme de CCCClxvi. li. xiii s. iv d.

En tesmoignance de quele chose, à l'une partie de ceste endenture demorante devers le dit monsieur William, nostre seigneur le Roi ad fait mettre son grant seal; & à l'autre partie de meisme l'indenture devers nostre dit seigneur le Roi, le dit monsieur William ad mis son seal.

Don' a Westmonster le xx. jours de Marz, l'an du regne nostre dit seigneur le Roi, c'estessavoir, d'Engleterre vyntyisme, & de France quinzisme.

Per ipsum Regem & concilium.

De vinis et aliis, ad insulas de Gerneseye, Serk, et Aureneye, ducendis.

A.D. 1368.
An. 42 Edw. III.

Rot. Franc.
42 Edw. III. m. 2.
in Turr. Lond.

Rex, universis et singulis vicecomitibus, majoribus, ballivis, ministris, custodibus portuum maris, customariis, ac omnibus, aliis fidelibus suis, in comitatibus Suthampton', Somerset', Dorset', et Devon', tam infra libertates quam extra, ad quos, &c. salutem.

Sciatis quod concessimus dilectis nobis Willielmo de Has-thorp et Johanni Cok, locum tenentibus dilecti et fidelis nostri Walteri Hewet,

custodis insularum nostrarum de Gerneseye, Serk et Aureneye, in insulis predictis, quod ipsi viginti dolia vini et viginti dolia sizeræ, centum arcus, ducentas garbas sagittarum, infra comitatus predictos, ubi melius poterunt, providere; et ea, unâ cum duodecim hominibus armatis, viginti sagittariis et duodecim equis, per ipsos Willielmum et Johannem provisus, per aliquem portuum in ballivis vestris versus predictas insulas, pro garnesturâ castrorum nostrarum in eisdem insulis, docere possint.

Et ideo vobis mandamus, quod ipsos Willielmum et Johannem vinum, sizeram, arcus, garbas, homines armatos, et sagittarios, et equos, prædicta versus prædictas insulas pro garnesturâ prædictâ, per ballivas vestras, per se vel servientes suos, liberè et absque impedimento aliquo ducere permittatis: quocumque mandato nostro vobis in contrarium directo, non obstante.

In cujus, &c.

Teste Rege, apud Westm', xii. die Novembris.

De præstationibus in Insula de Jersey, tempore guerræ.

A.D. 1371.
An. 45 Edw. III.

Rot. Franc.
45 Ed. III. m. 8.
in Turr. Lond.

Rex, dilecto et fideli suo Waltero Huwet, custodi insularum suarum de Gerneseye, Jerseye, Serk, et Aureneye, vel ejus locum tenenti in prædictâ Insulâ de Jerseye, salutem.

Cum nuper, per literas nostras patentes, præsentaverimus dilectum clericum nostrum, Willielmum Humfray de Boole, episcopo Constantiensi, ad ecclesiam de Seint Ewayn, in prædictâ Insulâ de Jerseye, tunc vacantem, et ad nostram donationem spectantem:

Eidem episcopo, per easdem literas nostras, demandando quod ipsum Willielmum ad ecclesiam ipsam admitteret et personam institueret in eadem;

Ipseque episcopus inimicus noster et rebellis existat, et in terrâ contra nos guerrinâ notoriè moram trahat;

Quâ de causâ idem clericus noster, cum præsentatione nostrâ hujusmodi, ad ipsius præsentiam, durante guerrâ prædictâ, propter timorem mortis, ad executionem et effectum indè assequendum, accedere non est ausus;

Concessimus præfato clerico nostro omnes fructus et proventus ecclesiæ prædictæ, qui in manu nostrâ, occasione guerræ prædictæ, seisisi existunt, de gratiâ nostrâ speciali, de dono nostro habendos, à die vacationis ipsius ecclesiæ, et à tempore quo, ut præmittitur, ex causâ prædictâ in manu nostrâ seisisi, quousque idem clericus noster possessionem ecclesiæ prædictæ canonicè et pacificè fuerit assecutus;

Vobis mandamus quod eidem clerico nostro de fructibus, obventionibus et redditibus ejusdem ecclesiæ, à tempore prædicto, per vos aut vestros perceptis, respondeatis et responderi integrè faciatis;

Ac eundem clericum nostrum, per se, et deputatos suos, fructus et proventus ecclesiæ prædictæ liberè, colligere, et in usus suos proprios convertere, absque aliquo impedimento, de cætero, permittatis;

Aliquo mandato nostro, vobis prius in contrarium directo, seu ordinatione aliquâ in hac parte factâ, non obstante;

Proviso semper quod per ipsum clericum nostrum, aut per deputatos suos, eidem ecclesiæ in divinis debitè serviatur, et alia, eidem ecclesiæ incumbents, onera ex fructibus hujusmodi continuo, prout convenit, supportentur.

In cujus, &c.

Dat' apud Westm', vi. die Septembris.

Consimiles litteræ Regis patentes fiunt pro subscriptis, sub eâdem videlicet,

Per Rogero de Walden, ad ecclesiam de Seint Hiller in insula prædictâ.

Pro Johanne Condit, ad ecclesiam de Seint Piere in insula prædictâ.

De inquirendo de terris religiosorum alienigenarum, in insulis de Jerseye, Serk, et Aureneye.

A.D. 1372.
An. 46 Edw. III.

Rot. Franc.
44 Ed. III. m. 14.
in Turr. Lond.

Rex, dilectis sibi Edmundo Rose, constabulario castrî nostri de Gurry in Insulâ de Jerseye, et Nicholao le Fevere, salutem.

Sciatis quod assignavimus vos ad inquirendum per sacramentum proborum et legalium hominum de insulis de Jerseye, Gerneseye, Serk, et Aureneye, tam infra libertates quam

extra, per quos rei veritas melius sciri poterit, quæ et quot terræ, tenementa et possessiones, in insulis prædictis sunt in manibus quorumcumque religiosorum alienigenarum; et quantam firmam iidem religiosi nobis indè annuatim reddunt; et quantum terræ, tenementa, et possessiones huiusmodi ultra dictam annuam firmam valeant per annum, in omnibus exitibus juxta verum valorem eorumdem; et quæ onera iidem religiosi pro eisdem terris, tenementis et possessionibus, de jure facere et invenire tenentur; et quis, vel qui, terras, tenementa, et possessiones huiusmodi à tempore ultimæ guerræ per Gallicos, adversarios nostros, motæ, occupavit vel occuparunt, et exitus et proficua indè precepit vel perceperunt; et quo titulo, et qualiter, et quo modo: et de omnibus aliis articulis et circumstantiis, præmissa qualitercumque contingentibus, plenius veritatem, et ad nos indè in cancellariâ nostrâ Angliæ distinctè et apertè certificandum.

Et ideo vobis mandamus quod ad certos dies et loca, quos ad hoc provideritis, inquisitiones indè faciatis, et eas distinctè et apertè factas, nobis in cancellariâ prædictâ sub sigillis vestris, et sigillis eorum per quos factæ fuerint, sine dilatione mittatis, et hoc breve:

Mandavimus enim ballivis nostris insularum prædictarum, quod ad certos dies et loca, quos eis sciri faciatis, venire faciatis coram vobis tot et tales probos et legales homines de insulis prædictis, tam infra libertates quam extra, per quos rei veritas in præmissis melius sciri poterit et inquire.

In cujus, &c.

Teste Rege, apud Westm', xiv. die Augusti.

Pro passagio W. de Asthorpe, custodis insularum de Gerneseye, Jereseye, &c.

A.D. 1373.

An. 47 Edw. III.

Rot. Franc.

47 Ed. III. m. 29.

in Turr. Lond.

Rex, universis et singulis vicecomitibus, majoribus, ballivis, ministris, et aliis fidelibus suis, in quibuscunque villis et portubus inter Suthampton' et Plymmuth', ad quos, &c., salutem.

Quia ordinavimus dilectum et fidelem nostrum Willielmum de Asthorpe chivaler, custodem insularum nostrarum de Gerneseye, Jereseye, Serk, et Aureneye, et Johannem Coke armigerum, ad proficiscendum penes insulas prædictas cum celeriori expeditione quâ poterunt, pro salvatione et defensione insularum prædictarum;

Vobis et cuilibet vestrum districtius quo poterimus, injungimus, et mandamus, quod eisdem Willielmo et Johanni bargeas, sive alia vasa infra portagium viginti doliolum, pro passagio suo ad hominum, equorum, et victualium et hernesiorum suorum competentes et necessarias, cum eâ celeritate quâ poteritis, suis sumptibus, habere faciatis, et eis indè intendentes sitis et respondentes;

Proviso semper, quod bargeæ et vasa prædicta, seu aliquæ aliæ naves pro passagio Johannis Regis Castellæ et Legionis, seu aliorum dominorum ordinata, tempore passagii prædicti, colore præsentium, nullatenus absententur.

Teste Rege, apud Westm', xxii. die Aprilis.

De capiendo et ingrediendo castrum de Gurry in Insula d' Jereseye.

A.D. 1373.

An. 47 Edw. III.

Rot. Franc.

47 Ed. III. m. 10.

in Turr. Lond.

Rex, dilectis et fidelibus suis Philippo de Courtenay, admirallo flote nostræ navium versus partes occidentales, et Radulpho de Ferrers chivaler, salutem.

Sciatis quod, quibusdam certis de causis, nos specialiter moventibus, assignavimus vos, conjunctim et divisim, ad statum insulæ nostræ de Jereseye, ac castri nostri de Gurry in insulâ prædictâ, supervidendum, et liberationem castri illius, nostro nomine, ab illud occupantibus petendum, et illud ingrediendum, tenendum et occupandum; et si resistentia aliqua in hâc parte fuerit, ad recusum indè faciendum, ac pro salvâ et securâ custodiâ ejusdem, prout melius pro commodo et honore nostro expedire videritis, disponendum, faciendum et ordinandum, quousque aliud indè duxerimus demandandum vel ordinandum; aliquâ commissione, seu mandato alicui per nos prius facto, non obstante.

Et ideo vobis mandamus quod circa præmissa cum omni diligentia et solitudine

quibus poteritis, sine dilatione intendatis, et ea faciatis et exequimini in formâ prædictâ.

Damus autem custodi insularum nostrarum de Gerneseye, Jereseye, Serk, Aureney, et dicti castri, ac quibuscumque dictum castrum occupantibus, necnon universis et singulis majoribus, ballivis, ministris, at aliis fidelibus et subditis nostris insularum prædictarum, tenore præsentium in mandatis, quod vobis et cullibet vestrum in præmissis omnibus et singulis intendentes sint, consulentes, auxiliantes et respondentes, prout per vos præmuniti fuerint ex parte nostrâ.

In cujus, &c.

Teste Rege, apud Westm', xviii. die Augusti.

Per ipsum Regem.

De firmis, in insula de Gerneseye, &c., levandis.

A.D. 1373.
An. 47 Edw. III.

Rot. Franc.
47 Edw. III. m. 5.
in Turr. Lond.

Rex, dilecto et fideli suo Willielmo de Asthorpe, salutem :
Sciatis quod nos, de fidelitate et circumspectione vestri plenius confidentes, assignavimus vos ad insulas nostras de Gernesey, Serk, Aureneye et Erme, ac castrum nostrum de Cornet et turrim nostram de Beauregard' in eadem insulâ de Gernesey custodiendum et conservandum ; et ad omnes redditus, firmas exitus, et omnia alia proficua et emolumenta, que ad nos ibidem qualitercumque pertinere poterunt, appruiandum, levandum, colligendum, et percipiendum ; et a custus, et vadia necessaria pro munitione ac salvatione et defensione insularum castri, et turris prædictorum, hoc instanti tempore guerre, per visum et testimonium ac contrarotationem contrarotulatoris nostri, quem ad hoc ibidem deputaverimus, de hujusmodi redditibus, firmis, exitibus, et proficuis solvendis, ita quod nobis de omni eo, quod ultra vadia et custus in hac parte necessaria solvenda residuum fuerit, ad scaccarium nostrum fideliter respondeatis, juxta formam indenture inter nos et vos indè confectæ ;

Et ideo vobis mandamus quod circa præmissa cum omni diligentia intendatis, et ea faciatis et exequimini in formâ prædictâ ;

Damus autem ballivis ac juratis et quibuscumque aliis fidelibus et subditis nostris de insulis prædictis, tenore præsentium, firmiter in præceptis, quod vobis in præmissis intendentes sint, respondentes, consulentes, et auxiliantes, quotiens et prout eis, seu eorum alicui, scire feceritis ex parte nostrâ.

In cujus, &c., quamdiu nobis placuerit duraturas.

Teste Rege, apud Westm', xxi. die Decembris.

De protectione, pro insula de Gerneseye, Jereseye, Serk, et Aureneye.

A.D. 1374.
An. 48 Edw. III.

Rot. Franc.
48 Ed. III. m. 16.
in Turr. Lond.

Rex, universis et singulis admirallis, capitaneis, custodibus insularum, villarum, et castellorum, magistris navium, marinariis, majoribus, vicecomitibus, ballivis, juratis et omnibus aliis ministris et subditis nostris, tam per terram quam per mare constitutis, infra libertates et extra, ad quos, &c. salutem.

Desiderantes indemnitati et tranquillitati populi nostri insularum de Gerneseye, Jereseye, Serk et Aureneye providere, prout decet, suscepimus omnes homines insularum prædictarum, et eorum quemlibet, necnon terras, res, redditus, et omnes possessiones suas, ac omnia bona et catalla sua quæcumque, ubicumque infra dominium et potestatem nostra existentia, in protectionem et defensionem nostras speciales ;

Et ideo vobis mandamus, quod ipsos homines et eorum quemlibet, terras, res, redditus, et omnes possessiones suas, necnon omnia bona et catalla sua quæcumque, ubicumque infra dominium et potestatem nostra existentia, manuteneatis, protegatis, et defendatis ; non inferentes eis, vel eorum alicui inferri permittentes, injuriam, molestiam, damnum, violentiam, impedimentum aliquod seu gravamen ;

Et si quid eis vel eorum alicui injuriatum, forisfactum, sive indebitè attemptatum fuerit, id eis et eorum cuilibet sine dilatione debite corrigi, reformari, et emendari faciatis.

Volumus insuper et districtius quo poterimus, firmiter prohibemus, nè vos vel aliquis vestrum, seu quisvis alius, cujuscumque status seu conditionis fuerit,

quicquam de bonis seu catallis ipsorum hominum insularum prædictarum, ubicumque infra dominium et potestatem nostra prædicta existentibus, absque voluntate suâ seu servientium suorum, in quorum custodiâ bona et catalla illa inventa fuerint, et absque denariis inde, prout rationabiliter conveniri poterit, promptè solvendis, ad opus nostrum, seu alterius cujuscumque capiatis, seu capi permittatis.

In ejus, &c. quamdiu nobis placuerit duratur.'

Teste Rege, apud Westm', xxiv. die Maii.

De custodiâ insularum de Gerneseye, Serk, et Aurenay, T. de Beauchamp, commiss.

A.D. 1374. Rex, dilecto et fideli suo, Thomæ de Beauchamp, chivaler,
An. 48 Edw. III. salutem.

Rot. Franc. Sciatis quod nos, de fidelitate et circumspectione vestrà
48 Edw. III. m. 14. plenius confidentes, constituimus vos capitaneum et custodem
in Turr. Lond. insularum nostrarum de Gerneseye, Serk, et Aurenay, necnon
castri nostri de Cornet et turris de Beauregard in dictâ insulâ
de Gerneseye, per unum annum integrum, postquam insule, castrum et turris
prædicta vobis liberata fuerint, sub certis conventionibus, in quadam indenturâ
indè inter nos et vos factâ, contentis.

Et ideo vobis mandamus quod circa præmissa cum omni diligentia intendatis, et ea faciatis et exequamini in formâ prædictâ.

Damus autem ballivis ac juratis, ac quibuscumque aliis fidelibus et subditis nostris de insulis prædictis, tenore præsentium, firmiter in præceptis, quod vobis, tanquam capitaneo et custodi ibidem intendentes sint, consulentes, et auxiliantes, quotiens et prout eis, seu eorum alicui, scire feceritis ex parte nostrâ;

Ita semper quod vos insulas, castrum, et turrin prædictam, necnon populum nostrum ibidem, juxta avisamentum illorum, quorum interest, fideliter gubernetis per tempus supradictum.

In ejus, &c.

Teste Rege, apud Westm', xii. die Augusti.

De inquirendo pro Rege in Insulis de Gerneseye, Serk, et Aurenay.

A.D. 1374. Rex, dilectis et fidelibus suis Thomæ Beauchamp, custodi
An. 48. Edw. III. insularum de Gerneseye, Serk, et Aurenay, Thomæ de Appelby,
Petro Gyon, Nicholao Saumarcis, et Nicholao le Fever, salutem.

Rot. Franc. Sciatis quod assignavimus vos, quatuor, tres, et duos vestrum,
48 Ed. III. m. 5. inquisitores nostros, ad inquirendum, per sacramentum proborum
in Turr. Lond. et legalium hominum de insulis prædictis, per quos rei veritas

melius sciri poterit, de quibuscumque wardis, maritagis, releviis, redditibus, escaetis, forisfacturis, ac de bonis et catallis rebellium alienigenarum, et aliorum quorumque, in insulis prædictis forisfactis, per quoscumque et quilibetque occupatis, et concelatis, et à nobis injustè detentis, et ad processus inde faciendum; et eosdem processus, secundum legem et consuetudinem partium prædictarum, audiendum et terminandum: et ad omnia bona et catalla prædicta, ac exitus et proficua de eisdem wardis, maritagis, releviis, redditibus, excaetis, forisfacturis à tempore concelationis et detentionis hujusmodi percepta, in quorumcumque manibus fuerint, levandum et colligendum, et ad opus nostrum recipiendum.

Et ideo vobis mandamus, quod, assumptis vobiscum ballivis et juratis in insulis prædictis, ad certos dies et loca, quos ad hoc provideritis, diligenter super præmissis de tempore in tempus inquiratis, et ea ad sectam nostram audiat et terminetis, ac faciatis et expleatis in formâ prædictâ. Facturi indè quod ad inquisitores pertinet, secundum legem et consuetudinem partium prædictarum.

Salvis nobis amerciamentis, et aliis ad nos inde spectantibus.

Mandavimus enim ballivis et juratis insularum prædictarum, quod ad certos dies et loca, quos eis scire faciatis, venire faciant coram vobis, quatuor, tribus vel duobus vestrum, tot et tales probos et legales homines de ballivis suis, per quos rei veritas in præmissis melius sciri poterit et inquiri.

In ejus, &c.

Teste Rege, apud Westm', x. die Decembris.

T. de Beauchamp custos castri de Cornet constituitur.

A.D. 1376.
An. 59 Edw. III.

Rot. Franc.
50 Ed. III. m. 3.
in Turr. Lond.

Rex, omnibus ad quos, &c. salutem. Sciatis quod nos, de fidelitate et circumspectione dilecti et fidelis nostri Thomæ de Beauchamp chivaler, plenius confidentes, constituimus ipsum custodem castri nostri de Cornet, ac turris nostri de Beauregard in insulâ de Gerneseye, habenda usque ad festum Purificationis Beatæ Mariæ proximo futurum;

Percipiendo pro custodiâ prædicta et pro vadiis, regardis et omnibus aliis custubus, tam pro seipso quam hominibus ad arma et sagittariis secum in munitione eorumdem castri, et turris existentibus, pro eodem tempore, juxta ratam quingentarum marcarum per annum, de exitibus et proficuis insularum nostrarum de Gerneseye, Serk, Aureneye, et Erme, per manus receptoris insularum prædictarum pro tempore existente, vel aliâs, ad seaccarium nostrum Angliæ; si exitus prædicti ad hoc non sufficiant, juxta formam cujusdam indenturæ indè intes et not præfatum Thomam confectæ.

In cujus, &c.

Teste Rege, apud Westm', primo die Septembris.

Per magnum concilium.

BIOGRAPHICAL SKETCHES.

SIR EDMUND ANDROS, KNIGHT,

Was born in London, 6th December, 1637, his father, Amias Andros, being then marshal of the ceremonies to King Charles the First. He was brought up from a boy in the royal family, and, in its exile, commenced his career of arms in Holland, under Prince Henry of Nassau. Upon the restoration of Charles the Second, in 1660, he was made gentleman in ordinary to Elizabeth Stuart, queen of Bohemia, the king's aunt, noted for the vicissitudes of her life, and as having given an heir to the house of Hanover; her daughter, Princess Sophia, being the mother of George the First:—Elizabeth was then in her widowhood, and residing at the Hague; having returned to England, she survived the restoration but two years. In 1666, he was major in the regiment sent to America. In the war waged by Charles the Second against the Dutch, and which ended in 1667, he bore a distinguished part. He married, in 1671, Mary, daughter of Thomas Craven, and sister of Sir W. Craven, of Appletreewick, in Yorkshire, and of Combe abbey, in Warwickshire, knight, heir in reversion to the barony of Craven, of Hampstead Marshall, which was then held by William Lord Craven, the most remarkable among those of his countrymen, who chivalrously devoted themselves to the fortunes of the queen of Bohemia.* In 1672, Major Andros was commander of the forces in Barbadoes, and had obtained the reputation of being skilled in American affairs. Under royal warrant to the master-general of ordnance, of 2d April, in that year, a regiment of dragoons, raised for the king's cousin, Prince Rupert, was directed to be armed with the "bayonet or great knife," this being its first introduction into the English army; Major Andros was promoted to this regiment, and "the four Barbadoes companies," then under his command, were advanced to be troops of horse in it.† In the same year, the palatine and proprietors of the province of Carolina, by patent in the Latin language, dated 23d April, under their great seal and hands, and making allusion to his services and merits, conferred on him and his heirs the title and dignity of Landgrave, with four baronies, containing forty-eight thousand acres of land, at a quit rent of a penny an acre. Charles the Second had granted the province to Lord Berkeley, Lord Craven, the Earl of Shaftesbury, of famed memory, Sir George Carteret, and Sir George Colleton, with power to create and confer titles of honour; and a constitution had been founded under

* See her Memoirs, by Miss Benger.

† See "Origin and Services of the Coldstream Guards, by Colonel Mackinnon."

which two classes of hereditary nobility were created, with the titles of Landgraves and Caciques, and with possessions proportioned to their respective dignities, who were to be members of the provincial parliament. The distinction bestowed by the proprietors, honourable as it was to him, does not appear to have been otherwise beneficial, and neither he nor his heirs, it is believed, at any time derived advantage from the large quantity of land annexed to the dignity. In 1674, on the death of his father, he succeeded to the office of bailiff of Guernsey, the reversion of which had been granted to him by his majesty, in the father's lifetime. The same year, the war which had recommenced with the Dutch having terminated, he was commissioned by patent, dated 24th July, signed by the king, and under the great seal of England, to receive from them New York and its dependencies, pursuant to the treaty of peace, in which was a stipulation that all countries conquered during the war should be restored to the power that had possessed them at its commencement. That province had been granted to the Duke of York, afterwards James the Second, and Sir Edmund was constituted its governor-general. It was on his return from thence, in 1681, that he was knighted by Charles the Second. In 1683, he was sworn gentleman of the privy chamber to the king. The following year, the island of Alderney was granted to him, and dame Mary, his wife, for ninety-nine years, at a rent of thirteen shillings. The year after, he was made colonel in her royal highness Princess Anne of Denmark's regiment of horse. In 1686, James the Second appointed him governor, captain-general, and vice-admiral of Massachusetts, New Hampshire, Maine, New Plymouth, and certain dependent territories, and soon afterwards of Rhode Island and of Connecticut successively, in addition, comprehending the whole of the states of New England, and, subsequently, New York and New Jersey were also included under his jurisdiction. After the revolution, William the Third, in 1692, preferred him to the governorship of Virginia, in which he succeeded Lord Effingham, and his majesty honoured him by adjoining to it, at the same time, that of Maryland, which had been separately held by Lord Baltimore. In 1704, under Queen Anne, he was extraordinarily distinguished by having the lieutenant-governorship of Guernsey bestowed on him, whilst he also continued bailiff, his duties, as such, being dispensed with for the time, he having power given to him to appoint his lieutenant-bailiff, who was likewise authorised to name a deputy. He became a widower at Boston, in New England, and married twice afterwards; the second wife was of the family of Crispe, which, like his own, had been attached to the royal house in its necessities. He closed his eventful life in the parish of Saint Anne, Westminster, without issue, in February, 1713, in his seventy-sixth year.

Sir Edmund was for many years at the head of a mixed and adventurous population in newly settled and important colonies, distant from the mother country, a station at all times arduous, but immeasurably so in the age of revolutions in which he lived, when the institutions longest established were not exempt from the common jeopardy, and unusual energy was called for in all, wherever situated, by whom the royal authority was to be asserted. He resolutely encountered the duties and responsibilities of his high office throughout the long course of his career, and was successful in resisting, in his military as well as civil capacity, the intrigues and hostilities of the neighbouring French and Indians, to which he was continually exposed. By some of the chroniclers of the period, who wrote, doubtless, not uninfluenced by its partisanship, he has been represented in his earlier government, under James the Second, as an abettor of tyranny; but, by others of them, appearing to have possessed the best means of judging of the circumstances under which he acted, his conduct has been liberally estimated.* His later administration, under William the Third, is allowed to have been irreproachable. All the colonies advanced greatly in improvement whilst under his charge; and the fact that he was distinguished by the marked approval and successive appointments of his several sovereigns, after, no less than before, the revolution, cannot but be interpreted as the strongest testimonial in his favour, and highly to the honour of his reputation.

* See "Chalmers' Political Annals of the Colonies."

The ancestors of Sir Edmund were of English origin, from Northamptonshire. John Andros (or Andrews*), the first of them connected with Guernsey, was lieutenant to Sir Peter Mewtis, the governor, and married, in 1543, Judith De Sausmarez, the heiress who brought the fief Sausmarez into the family. Their son, John, became the king's ward, in the custody of Sir Leonard Chamberlain, the governor, during a long minority, and appears as a jurat of the royal court, at the coming of the royal commissioners, in 1607. The grandson, Thomas, also a jurat, was lieutenant-governor, under Lord Carew, in 1611; he married Elizabeth, daughter of Amias De Carteret, seigneur of Trinity manor, in Jersey, and lieutenant-governor and bailiff of Guernsey, and had many children, from whom several branches sprung. Amias, father of Sir Edmund, was the eldest son, and married Elizabeth Stone, sister of Sir Robert Stone, knight, cupbearer to the queen of Bohemia, and captain of a troop of horse in Holland. Sir Edmund succeeded his father as seigneur of the fief, and was followed by his nephew, John Andros, who, from his marriage with Elizabeth, heiress of Sir Edmund's first cousin, Charles Andros, was also at the same time seigneur d'Anneville, and by purchase from whose son, Charles Andros, in 1748, Sausmarez returned to the original name, by whose descendants it is now held. The fief d'Anneville, which was first acquired in 1659, by the marriage of Charles Andros, the uncle of Sir Edmund, with Alice, the daughter and sole heiress of Thomas Fachion,† still continues in the family, of which one branch only is now remaining. To this branch belonged Charles Andros, many years lieutenant-bailiff, who died in 1805, without issue male, the maternal grandfather of John Guille, the present lieutenant-bailiff.

JOHN DE SAUMAREZ, D.D.,

The son of John De Saumarez, esq., a jurat of the royal court of Guernsey, and Jacquine Le Messurier, his wife, was born in the early part of the seventeenth century; and, having graduated at the university, entered holy orders. He was a staunch royalist, and followed the fortunes of King Charles the Second with zeal and fidelity during the turbulent times of the protectorate. Upon the restoration of this monarch, he was appointed a canon of Windsor, and promoted to the valuable living of Great Hasely, in Oxfordshire, both which he retained until his death. On the suppression of presbyterianism, which had prevailed for nearly a century in this island, the office of dean, which had naturally fallen with the church establishment, was again revived with it, and King Charles the Second, by his letter of the 15th of July, 1662, was pleased to approve of Dr. De Saumarez's presentation to the deanery, declaring, at the same time, his pleasure, that the act of uniformity, passed in England, should be observed and put in execution in Guernsey. Allusion to this circumstance is made in the inscription on the doctor's monument, which thus describes him:—"Ecclesiae Anglicanae cultor sincerus et in prædicta insulâ (Guernsey) instaurator." From the earliest period of his appointment to the office, Dr. De Saumarez directed his energies towards the establishment of the discipline and government of the Church of England, the maintenance of the ecclesiastical jurisdiction, and the suppression of factions and conventicles in the island; and was instrumental in obtaining several orders in council for the furtherance of these objects. It was upon his appointment to the deanery that the seal of the ecclesiastical court, in use in the island until 1832, (when it was set aside by Charles Richard Sumner, bishop of Winchester), was ob-

* In the parish of Harlestone, in Northamptonshire, a family of the name of Andrews, anciently established there, bears the same arms as those of Andros.

† The extinct family of Fachion became possessed, in 1509, under a conveyance from Robert Willoughby, knight, Lord Brooke, confirmed by grant of 38 Henry VIII. (1547); of "the manor of Anneville, with the appurtenances, with the fee Le Comte, the fee called Carteret, and the fee of Boval." The whole was comprehended under the grant to Sausmarez d'Anneville, in respect of which it is the seigneur d'Anneville that answers, as crown tenant, at the chief pleas of the island. The "fees" have been parcelled off; that of Le Comte, now in the family of Le Marchant, was sold by George, the father of Thomas Fachion, by deed of 1st July, 1630, to Peter Priaux.

tained, the motto of which, "Restauratus restauro," bears historical reference to the restoration of the monarch who granted it, and to the revival of the office. After dedicating sixty-five years to the studies and duties of his sacred calling, he died at an advanced age, in September, 1697, and was buried in St. George's chapel, Windsor, where a monument, with a Latin inscription, is placed to his memory. Dr. John De Saumarez was married to Miss Rachel Briard, by whom he had one son, Henry; and three daughters, Rachel, Mary, and Anne-Charlotte.

HENRY DE SAUMAREZ.

Only son of the preceding divine. He was the inventor of a plan, having for its object the improvement of navigation, by ascertaining the distance run by a ship at sea, in a better manner than with the log-line. On the 20th October, 1715, he presented a petition to the president, members, and fellows of the royal society, soliciting their notice of his invention; and, in the preamble of this petition, which is couched in the following terms, he gives this brief description of himself:—"That your petitioner, being the only son of the deceased Rev. John De Saumarez, who was chaplain to his majesty King Charles II., a prebendary of Windsor, and dean of Guernsey, has never applied himself to any trade or profession (though he was bred in Holland to learn commerce); but in an easy enjoyment of a small estate, he took his diversion in the experimental parts of mathematics, his genius and inclination being that way, for machines and inventions, wherein he spent about the twenty-two years last past, confining himself towards a retired sort of life, within his little laboratory. And of late he fixed his projects upon a particular invention, towards the improvement of navigation, which your petitioner could not bring to effect in the said island, for want of able workmen; but, being come over to London on purpose, he hath actually begun hopes (with the blessing of God) to bring it to some perfection." The royal society refusing to entertain the petition, on the ground, amongst others, that "they did not conceive it belonged to them," Mr. De Saumarez petitioned the crown to the same effect; and, as a claim to royal indulgence, he states, in the latter petition, "that being acquainted with mathematics, he hath made a plan or draught of the islands of Guernsey, Alderney, and Sark, which are noted to be dangerous coasts to the sailors, wherein he sets forth the rocks and sands, and amongst others the great rock called Casquet, so fatal to many ships of this nation and foreigners, upon which, a few years ago, your majesty's ship *Dragon* was cast away, with several barks of the said islands, which she had under convoy, coming out of Guernsey, most of which lost their lives and goods."* In a statement published by him, in 1715, and now to be met with in the British museum, the invention is described thus:—"The making of a dial which, being placed any where on board ship, will, by correspondence with a small wheel moving under water, and a little bell striking with the said dial, curiously demonstrate the geometrical paces, miles or leagues, which the ship hath run, which, being applied in a proper manner, will be of little or no hindrance to the course or sailing of the ship. The said wheel shall turn in any depth of the sea, so that no storm or rough sea, nor the violent motion of the ship, will alter, hinder, or stop, the regular working thereof; but the swiftness and slowness shall be seen and heard, by the striking of the little dial." In compliance with this petition, his majesty, George the First, was pleased to refer the matter to the board of admiralty, who thereupon consulted Sir Isaac Newton. This distinguished philosopher, in his letter dated 27th January, 1715, O.S., declines making a decided report, but states his opinion, that by means of the instrument invented by Mr. De Saumarez, "a reckoning of the distance sailed by a ship, may be kept with less trouble than by the log-line," "but," he adds, "I am not yet satisfied that the reckoning will be so exact. I have no experience in sea affairs, nor ever

* The MSS. of this survey, which are extremely curious and elaborate, are in the possession of the writer of this sketch.

"was at sea, and therefore my opinion is not to be much relied on, without the opinion of the Trinity-house."

This suggestion of Sir Isaac led to an investigation at the Trinity-house, where Mr. De Saumarez attended several times, and presented the brethren with a specimen of his invention, in a draught upon paper, and models in wood and copper. Several objections to the invention were raised by this board, which are ingeniously combated by Mr. De Saumarez in the statement above alluded to. What was the ultimate fate of the invention we are unable to state, but the above will sufficiently prove that science had, even in those early days, made some progress in the island. Mr. De Saumarez married Margaret De Vic De Havilland, and dying without issue, this branch of the family became extinct.

CAPTAIN PHILIP SAUMAREZ.

Among the many naval captains who have perished in combat with the enemies of their country, there are few, if any, whose professional adventures are fraught with more general interest than those of Captain Philip Saumarez, whether we regard them with reference to the peculiar nature of the services in which this officer was engaged, or the zeal and judgment which he displayed in vanquishing the difficulties which those services entailed. The follower and confidential friend of Anson and Hawke, he bore an honourable part in most of the brilliant exploits achieved by these distinguished commanders, and from the high promise he had given, it is not unreasonable to conjecture that, had his life been spared, he would have occupied, in the naval history of this country, a position equally prominent with that which Rodney, Keppel, and Saunders, his contemporaries and brothers in arms, have since so justly attained. Falling in defence of his country, and in the hour of victory, at the early age of thirty-seven, his career was short but brilliant, and no fulsome panegyric can be imputed to that pen which, in tracing his virtues, has recorded of him, "He was one of those few whose lives ought rather to be measured by their actions than their days."*

Philip De Sausmarez (or Philip Saumarez, as he was afterwards called), was descended from an ancient family in the island of Guernsey. By an inquisition, held in the reign of Edward the Second, we find Matthew De Sausmarez, his ancestor, performing homage for the hereditary seigneurie of Sausmarez, and holding the appointment of hereditary châtelain of Jerbourg castle, within the limits of the said fief, which still continues in the possession of the family.

Philip, the subject of this brief memoir, was the third son of Matthew De Sausmarez, by Anne Durell, daughter of John Durell, lieutenant-bailiff of the island of Jersey, and was born on the 17th of November, 1710. After undergoing a preliminary education in Jersey, he was removed to Southampton at the age of eleven, with a view to perfecting himself in the classics and mathematics, and of acquiring the English language, which at that period was but partially spoken in these islands. From his letters and journals, which display an ease and elegance of style, and from the precision and accuracy of his nautical observations and reckonings, it may be reasonably inferred that he employed to great advantage the two years and a half he spent there.† In October, 1725, he returned to his friends, where he met with his uncle, Captain Thomas Durell, of the navy, a brave and distinguished officer, through whose interest, and, with the assistance of Captain Charles Hardy, a king's letter was obtained, appointing him volunteer on board the ship *Weymouth*, of 50 guns, commanded by Captain George Kendall, and fitting for the Baltic station, his appointment bearing date, February 4, 1726.

Upon entering the naval service, Mr. De Sausmarez (prompted, probably, by the national prejudice which the wars had created, and which then existed in Eng-

* Vide the inscription on his monument, in Westminster Abbey.

† His log books, which are preserved by the family, are singular specimens of industry, and contain, in addition to the ordinary matter, scientific observations on the climate and habits of the people, and natural productions of the different places he visited, here and there interspersed by moral reflections of his own, and enriched by quotations from the most approved classical authors.

land against everything which indicated French origin or connexion,) was induced to change the ancient name of "De Sausmarez," borne by his ancestors, to that of "Saumarez," which latter name was adopted by himself and such of his brothers as had embraced the profession of arms; his eldest brother John, a civilian, and afterwards attorney-general of the island, alone retaining the original name, which is preserved by his descendants to the present day. From the *Weymouth*, Mr. Saumarez joined the *Gibraltar*, commanded by the Honourable George Byng, and afterwards by Captain J. Stanley: he then followed the former captain into the *Princess Louisa* and *Falmouth*, to which latter ship he belonged on the 17th of October, 1732, the day he passed his examination for lieutenant. From the period of his passing, Sir George Saunders and Lord Vere Beauclerc, his examining captains, appear to have taken the greatest interest in him. His certificates from Captains Kendall, Stanley, and Byng, were of a very flattering character; that from the last, with whom he served upwards of five years, concludes by recommending him "as highly deserving preferment."

He subsequently joined the *Blenheim* and *Dunkirk*, on the West Indian station, the former bearing the flag of Admiral Cavendish, and remained for above two years in that ungenial climate before receiving his commission as lieutenant. The letters he wrote, while anxiously expecting this much desired step, are, on several points, so illustrative of the character of the writer, that we trust to be excused introducing short extracts from three of them. In one, dated October 19, 1736, he says:—"It is not in my power to acquaint you with anything worthy of your notice any further than that you will perceive by this I still am in being, and enjoy a perfect state of health, and, like the rest of my fellow-creatures, obey the dispensation of Providence in suffering the present, prompted by hope to the expectation of more auspicious times. Whether, like the far greater number, I shall find it a delusion at the last, perseverance alone will enable us to unravel." In one of the 11th January, he adds:—"I could wish it were in my power reciprocally to enhance our satisfaction by acquainting you with my advancement—that period is not yet arrived; fortune seems, in regard to me, to be at a stand, and I find that I am obliged to fill up the chasm by a constant cultivation of patience; probably this year may prove more auspicious, and I am in hopes of shortly seeing some revolution in my favour." In a third he writes thus:—"We have undergone a severe season this summer, the heat being excessive, attended with calms that render it insupportable: this has occasioned a great mortality, and made death quite familiar to us, it being an usual thing to attend the funeral of friends we conversed with the day before. Though this makes us all a kind of mechanical philosophers (if I may use the term), I do not observe it contributes towards rectifying the morals of the inhabitants, or making us better christians."

On the 6th of August, 1736, he at last obtained the long-expected step, being appointed, by Admiral Digby Dent, lieutenant of the *Kinsale*, of 40 guns, the admiral dying three hours after having signed the commission. On the 2d of July, 1738, he was removed to another ship, and on the 22d of August, 1739, was appointed by the admiralty to the *Diamond*,—this last confirming his two former commissions. He returned to England shortly afterwards, and visited his friends. His health, naturally delicate, required recruiting, having been seriously impaired by the West Indian climate; but from these friends the imperious call of duty soon summoned him.

It was towards the latter end of 1739 that the voyage round the world, under the command of Lord Anson, was projected. Mr. Saumarez received his appointment as third lieutenant of the *Centurion*, on the 28th of November; but by various delays, so injurious (and nearly fatal) to the expedition, it was not till the 18th of September, 1740, that the squadron sailed from St. Helen's, consisting of the *Centurion*, 60 guns, and 400 men, George Anson, esq., commodore; *Gloucester*, Captain Richard Norris, and *Severn*, Honourable Edward Legge, of 50 guns, and 300 men each; *Pearl*, 40 guns, and 250 men, Captain M. Mitchell; *Wager*, 28 guns, and 160 men, Captain Dandy Kidd; *Tryal*, 8 guns, and 100 men, Honourable John Murray, and two victuallers, the larger about 400, and

the smaller about 200 tons. Of all these ships the *Centurion* alone returned to England with the commodore, anchoring at Spithead on the 15th of June, 1744, after having performed the voyage round the world, and been absent from England three years and nine months, bringing with her a freight of £400,000, the produce of her captures, besides destroying £600,000 more which the captors were unable to convey. The fate of the other vessels was briefly this:—the *Gloucester* was burnt at sea on the passage to China, being no longer seaworthy; the *Severn* and *Pearl* separated from the squadron off Terra-del Fuego, and shortly afterwards returned to England; the *Wager* foundered off Wager Island, in lat. 47 30. S., on the coast of Patagonia; the *Tryal*, found unserviceable, was burnt at Juan Fernandez, and the two victuallers were destroyed or sold, and their cargoes distributed amongst the squadron.

In November following their departure, Captain Norris having invalided at Madeira, a change occurred amongst the officers of the squadron, and Mr. Saumarez became second lieutenant of the *Centurion*; and on the 19th of February following, on the death of Captain Kidd, he became first, his predecessor, Mr. Saunders, being promoted to command the *Tryal*. Owing to the illness of Mr. Saunders, Mr. Saumarez was appointed to the temporary command of this sloop, and remained in her for some weeks, during which time they went through Straits Le Maire, and encountered those heavy gales in which the *Pearl* and *Severn* parted company and returned to England. On Captain Saunders assuming the command of the *Tryal*, Mr. Saumarez returned as first lieutenant to the *Centurion*, and in September following, on the capture of the Spanish ship *Carmelo*, off Juan Fernandez, the guns of one of the victuallers were put in her, and he was appointed to command her. In her he took a short cruise off the island of Masafuera, and was present at the taking and burning of the town of Païta.

When the commodore determined on crossing the Pacific and proceeding to China, he resolved on destroying the prizes, though one of them was perfectly capable of undergoing the voyage; but as the whole numbers on board the squadron, (the remains of the crews of the *Centurion*, *Gloucester*, *Tryal*, and the two victuallers, about 1,000 men when they left England,) were reduced by sickness to 330, these would not have been sufficient to navigate three ships; so it was determined to proceed with the *Gloucester* and *Centurion* alone; and, in consequence of this arrangement, Mr. Saumarez again returned to the *Centurion*.

It was during this passage, and in order to refresh the crew, which had again been reduced by the scurvy to such a degree that, including negroes and Indian prisoners, not more than 70 men could be found capable of standing to a gun, (this included the *Gloucester's* crew, she having been destroyed a fortnight previously, and her men sent to the *Centurion*,) that the commodore put into the island of Tinian, which, from the quantity of wild fruits with which it abounded, such as currants, oranges, limes, and lemons, besides the bread fruit, and a plentiful supply of wild cattle, hogs, and fowl, was admirably adapted to afford the relief they so much needed. Tents were immediately erected on shore, whither the sick and a greater part of the remaining crew resorted, when an accident happened which threatened to have been the most severe of any they had yet encountered.

On the 21st of September, Mr. Saumarez being then the senior officer in command on board, a violent gale sprang up, which drove the *Centurion* from her anchors, and blew her out to sea, with a very reduced crew, and that crew debilitated from the effects of scurvy. The commodore, who was left behind, and those with him, had given her up for lost, and were building a boat to take them from the island, when, on the 11th of October, to the astonishment of all, she hove in sight, and that night anchored amongst them, having been driven by the wind and current upwards of ninety leagues to the south-west of their port, which they had to regain against a strong westerly current.

On the 12th of November, 1742, the *Centurion* arrived at Macao, where she remained until the 19th of April following. Here she was hove down, repaired, and rendered as capable as their resources allowed, to encounter the Spanish galleon, which annually left Acapulco for Manilla, and which, on that day, they sailed in quest of. After cruising off Cape Espiritu Santo for one month, with fluctuating

hopes and anxieties, graphically described in the narrative, a sail was discovered at day-light on the 20th of June, which proved to be the object of their search. The action commenced about one, and, in one hour and a half, the British became possessed of this valuable prize, to the attainment of which their hopes and endeavours had been directed ever since they quitted England. She was called the *Nuestra Senora del Cabadonga*, commanded by Don Juomino de Montao, a Portuguese of the most approved skill and courage, and carried a freight to the amount of £300,000.

It has been remarked upon as a singular omission, that in the account given of the capture of the *Manilla* ship, in Lord Anson's voyage, the services of none of the officers are particularized: this will appear doubly remarkable when it is considered that the prize was considerably larger than the *Centurion*, had a greater number of men, was commanded by a most approved officer, and had 50 men killed, and 70 wounded, whilst the *Centurion* had only 3 killed, and 16 wounded. These circumstances unquestionably prove the superior tact and exertion of the captors, and the skill and judgment exercised by the officers in their respective stations. That the commodore approved of Mr. Saumarez's conduct, may be inferred from his immediately appointing him to command this valuable prize, with the rank of post captain. After the action, the *Centurion* and her prize returned to China, where the latter vessel, being shortly afterwards sold, Captain Saumarez rejoined the *Centurion*, and sailed in her for England on the 15th December, 1743.

The limited space allowed us, in this brief sketch of this esteemed officer, prevents our offering any extracts from his logs and journals, which, together with many of his private letters, are replete with valuable and acute information upon this and other leading incidents which attended this very remarkable and eventful voyage. His account of the many disasters which befel them, the dangers they overcame, the difficulties they contended against, and the privations they sustained, illustrate, in a prominent degree, the genius, energy, and perseverance displayed in combating events of so trying a nature. From the situations he held during the whole of the expedition, Mr. Saumarez must, in all these, have sustained a conspicuous part, and the appointments Lord Anson bestowed upon him, and the friendship he ever after evinced towards him, show that he acquitted himself to the satisfaction of this great commander; "an officer," as his biographer states, "whose discreet and fortunate choice of officers was not the least amongst the services which will immortalize his name." The truth of this remark will receive further confirmation when it is remembered that (besides Mr. Saumarez,) Sir Charles Saunders, Sir Piercy Brett, Sir Peter Dennis, and Lord Keppel, were amongst the lieutenants serving in the *Centurion*.

On his arrival in England, Captain Saumarez's appointments were all confirmed by the admiralty, and, shortly afterwards, instead of visiting his native land, he retired to Bath for the benefit of his health, which had been seriously impaired by the hardships and sufferings experienced in the late expedition; but his active disposition and eager pursuit of glory, which not even disease could damp, would not allow him to remain long inactive.

Writing to his brother John, and in answer to a pressing invitation from his friends that he would visit Guernsey, he says:—"As to any prospect I can give you of going over, I can only say that there is no such thing as perfect happiness in this world; be persuaded I should esteem it a great privilege to pass some time with my friends, and particularly with you, after our tedious absence, but there are at present such inconveniences and obstacles which interfere, I cannot prudently flatter myself or my friends with any such pleasure, or think of venturing on salt water, until the government entrusts me with the command of one of its floating fortifications. I shall then, without hesitation, launch out 'ubi fata vocant,' and try what fund of reputation I can amass before a peace ensues." The fulfilment of this anticipation was not long delayed. On the 27th of June, 1745, he was appointed to the *Sandwich*, and in July following, sworn in to the command of the *Fork*. In this ship he served under the orders of Admirals Vernon, Lord Forrester, Martin, and Lestock, and was actively employed cruising in the Channel and Bay of Biscay, escorting convoys, &c., and

commanded a squadron sent to watch the enemy off Calais, Dunkirk, and Ostend, his services receiving the approbation of the admiralty.

The following anecdote tends to show the esteem in which he was held at the admiralty:—Whilst in command of the *York*, a report prevailed that one of our frigates had been lost on the French coast. The Duke of Bedford, as one of the lords of the admiralty, on reporting this to the King, added, "That it was feared it was the *York*, and he was sorry for it, as she was commanded by a gallant young officer, who ventured a great deal;" and, on his return to England, a letter from the admiralty states, "Their lordships were in great pain for him when it was reported he was lost, and were glad he was safe;" and in a letter addressed to him by the secretary of the admiralty, with reference to a complaint made by the petty officers late belonging to the *Elizabeth*, but then in the *York*, the writer states, "That he had it in command to let him know their lordships had too good an opinion of him slightly to credit any thing to the disadvantage of his character." On the 19th of July following, on his being removed from the *York* to the *Farmouth*, Lord Anson writes to him thus:—

"DEAR SIR,—I hope you will think I have judged rightly for you; you are removed from the *York*, and must expect the first vacancy. I need not assure you that I should be glad to have you in my squadron, and shall endeavour it when an occasion offers, for you know me to be your friend and humble servant,

July 19.

"G. ANSON."

On the 9th of September, 1746, he was appointed to command the *Nottingham*, of 60 guns, and 400 men, which ship formed part of Lord Anson's squadron, and was under the temporary command of Lieutenant Dorrill. Captain Saumarez was ordered to proceed to her in the first ship, but the *Nottingham* having arrived at Plymouth at the latter end of that month, he assumed the command, and shortly afterwards proceeded to cruise off Cape Clear.

From the time he had entered the navy, he had been often heard to say, that his great ambition was to be made a captain, and fall in with an enemy of equal force. These wishes were realised on the 11th October, 1746, for on that day he engaged and captured the *Mars*, a French ship, of sixty-four guns, and 425 men. The action commenced about seventy miles south-west of Cape Clear, and lasted two hours. The *Nottingham* had three men killed and sixteen wounded, and the *Mars* computed her loss at twelve killed and forty wounded. She was extremely shattered in the hull and rigging, having had nine shots through her mainmast. She was commanded by the Chevalier De Crenay, and had formed part of a squadron, commanded by the Duc d'Anville, designed for an expedition to America, having on board a quantity of tents, arms, and bales of clothing, to supply the Indians. Captain Saumarez proceeded with his prize to Plymouth, and she was purchased in the navy for £14,950.

Numberless were the congratulations he received from his friends on his good success, nor were the admiralty backward in offering their tribute to the courage and ability displayed on this occasion, as may be seen by the official letter from the board, besides private ones from the Duke of Bedford, Lord Vere Beauchere, Lord Sandwich, and others. Another, and to his generous mind, perhaps the most gratifying tribute was from his prisoner, the Chevalier De Crenay, who, besides writing to the admiralty, expressive of the kindness he had received from his captors, writes to Captain Saumarez in these terms:—

"Je serais bien touché si je parlais avant que d'avoir l'honneur de vous embrasser, et vous réitérer mes très-humbles remerciemens des politesses et des services que vous avez bien voulu me rendre: vous avez plus que personne contribué à me procurer ma liberté; vous avez joint à cela, monsieur, une grande générosité, dont je ressens les bienfaits. . . . Je vous prie d'être bien persuadé du désir que j'aurais de vous pouvoir donner des preuves de ma vive reconnaissance, et de trouver des occasions de vous être bon à quelque chose; et vous pouvez compter avec quel plaisir je chercherai à vous prouver que j'ai l'honneur d'être, plus que personne au monde, monsieur,

"Votre très-humble et très-obéissant serviteur,

(Signé)

"LE CHEVALIER CRENAY."

Shortly after, having taken his prize to Plymouth, Captain Saumarez received orders to have his ship ready for sea, and to place himself under the orders

of Admiral Anson. Whilst on a cruise, he burnt a French privateer, of 18 guns, and 143 men, on the coast of France, and soon after, in company with the *Edinburgh* and *Eagle*, he took the *Bellona*, of Nantes, a valuable armed ship, which netted £4,048.

On the 3d of May, 1747, his ship formed one of Lord Anson's squadron in the victory obtained over the French fleet, commanded by Monsieur De La Jouquiere, when six men-of-war, and three East Indiamen fitted as men-of-war, were captured from the enemy. It was in this action that the French admiral, on presenting his sword to Lord Anson, paid him that very elegant compliment which deserves to be recorded. Pointing to two ships, the *Invincible* and *Gloire*, in possession of our squadron, he said, "Monsieur, vous avez vaincu l'*Invincible*, et 'la *Gloire* vous suit." After the action, the admiral detached the *Nottingham*, *Monmouth*, and *Yarmouth* to pursue the convoy: these ships had the good fortune to capture four very valuable St. Domingo vessels richly laden. The treasure taken in this action consisted of 45 casks, and 125 chests of silver, valued at upwards of £300,000, which was conveyed to London in great state.

Captain Saumarez afterwards continued cruising under Admiral Warren, from which service he was called to take part in the action in which he gallantly fell. On the 10th of September, he was ordered to join Admiral Hawke, and on the 14th of October following, the memorable action with the French squadron, commanded by Monsieur De L'Etendiere, took place off Brest. In this hard-fought battle, the French were inferior to the English in point of force, but had the advantage of the weather gage, and fought with great bravery, with the exception of the *Tonnant*, of 80 guns, the French admiral's ship, and the *Intrepide*, 74, which latter ship, having kept to windward, had suffered but little. These two ships endeavouring to escape were immediately pursued by Captain Saunders, in the *Yarmouth*, Captain Saumarez, in the *Nottingham*, and Captain, afterwards Lord, Rodney, in the *Eagle*. The *Eagle*, in consequence of her disabled condition, was unable to come up with the flying enemy, but the *Yarmouth* and *Nottingham* engaged them near an hour, and would in all probability have overpowered them had not Captain Saumarez been killed by a shot from the *Tonnant*, which forced the *Nottingham* to haul her wind.

Thus gloriously fell, in the flower of his days, Captain Philip Saumarez, a man who, whether he be regarded as an officer or a christian, will equally claim our admiration and esteem. He was brave, generous, and humane; beloved and respected in private life: of his public virtues these imperfect memoirs will testify.

His body was conveyed to Plymouth on board H.M.S. *Gloucester*, commanded by Captain Philip Durell, his brother-in-law, who also bore a distinguished share in this action. By his will, dated on board the *Nottingham*, on the 30th of June, 1747, Captain Saumarez, after leaving the bulk of his property to his nearest relations, gives the sum of £100 to the poor of the parish of St. Peter-Port, and minor legacies to all the officers serving with him in the *Nottingham*, and directs his executors to present mourning rings, varying in value, to his esteemed friends Admirals Anson and Sir Peter Warren, and to his brother officers Captains Coates, Mostyn, Keppel, and Rodney. He then requests that, should he die in action or in command, his corpse should be buried with military honours at whatever port the ship should touch, and leaves £30 to the surgeon for the trouble of embalming his body. Both these requests were implicitly complied with; he was interred in the old church at Plymouth with all the honours due to his exalted character, and a tablet, with a suitable inscription, was erected to his memory, as was also a monument in Westminster Abbey.

The surgeon who embalmed his body states, that, had he survived the action, he could not have lived a year longer, his lungs being grown to his side, and completely wasted from disease, hastened by the extraordinary vicissitudes and trials to which his services of nearly twenty-one years had subjected him.

The brothers and sisters of Philip Saumarez were John, attorney-general in the island of Guernsey; Matthew, eminent in the medical profession, and father of the late Admiral Lord De Saumarez, served some time as a naval surgeon; Thomas, captain R.N., and William, also in the navy. His sisters were Anne,

married to Philip Dumaresq, a captain in the army; Elizabeth, married first to Captain George Durell, R.N., and, secondly, to Admiral R. Collins; and Magdalen, married to Admiral Philip Durell, besides others who died when young.

A portrait of Captain P. Saumarez, reputed to be a striking resemblance, is preserved in the old family mansion by the heirs of his nephew, the late Thomas De Saumarez, son of his eldest brother John.

CAPTAIN THOMAS SAUMAREZ, R.N.

This officer, son of Matthew De Saumarez, and a younger brother of Philip, also accompanied Lord Anson in his expedition round the world, a circumstance to which may be attributed his early promotion in the naval service. In November, 1757, we find him in command of H.M.S. *Antelope*, capturing a large Bayonne privateer. In recording this exploit, the historian Smollett pays the following just tribute to the vigilance of our British cruisers in those days:—"The narrow seas were so well guarded, that in a little time scarce a French ship durst appear in the English Channel, which the British traders navigated, without molestation."—(Smollett's History of England, vol. iv. p. 225.) Whilst in command of the *Antelope*, Captain Saumarez was employed in convoying the trade between the West Indies and Bristol. In the month of November, 1758, when lying in the Bristol Channel, he received intimation that a French line-of-battle ship had been seen off the island of Lundy, whereupon he immediately slipped his cable, and proceeded in quest of her. The ensuing morning he came up with the enemy, which proved to be the *Bellequeux*, of 64 guns: the French captain hove up his anchors, and made a show of preparing for an engagement, but, on receiving a few shots, hauled down his colours and surrendered, with a complement of 470 men, to a ship of inferior force, both in numbers and weight of metal. When brought on board the *Antelope*, as a prisoner, the French captain stated that he had been driven into the channel by mistake and stress of weather, and declared, with some hauteur, that the chivalry of the English commander ought either to furnish him with means of getting out of the channel, or of returning on board his ship to fight the *Antelope*. This proposal (so repugnant to all the rules of warfare) was of necessity declined by Captain Saumarez, but the refusal was accompanied by a suggestion that the prize would be immediately carried into Plymouth, which would afford *monsieur* an opportunity of petitioning the admiralty for his release, and a hope was moreover expressed that, should he succeed herein, they might soon meet again under similar circumstances. Singular as it may appear, the infatuation of the Frenchman induced him to present a petition on the subject, which was answered by a polite intimation from the board, that if he could prove the Bristol Channel to be neutral ground, their lordships would then, *but not before*, accede to his demand.

For these and other services rendered to their trade, the corporation of Bristol, by an unanimous vote, presented Captain Saumarez with a gold cup, valued at one hundred guineas, which was left under his will to his brother John, and descends as an heir-loom in the family.

Captain Saumarez was married to Miss Mountstephens, of the county of Cornwall, and died in 1764, without issue, at his seat, near Rickmansworth, in Hertfordshire, which he had purchased in order to be near Moore Park, the residence of his patron, Lord Anson, with whom, to the last, he lived upon terms of the greatest friendship.

LIEUTENANT CARRÉ TUPPER, R.N.

The common ancestor of the Guernsey family of this name was John Tupper, who settled in the island about the year 1592. He was an English gentleman, of German extraction, his forefather, it appears, having, about the year 1525, fled from Cassel during the religious persecution in the reign of Charles the Fifth. The elder son of this John Tupper married Elizabeth, daughter of Hilary Gosse-lin, procureur-du-roi, or attorney-general,—the younger removed to England. It

was the grandson of John Tupper and Elizabeth Gosselin who received the medal from William and Mary, as related at page 124, and the fatality which of late years has attended his few lineal descendants will appear in the following summary :

1.—Lieutenant Carré Tupper, H.M.S. *Victory*, only son of Major-General Tupper, slain at the siege of Bastia, on the 24th of April, 1794.

2.—William De Vic Tupper, his first cousin, mortally wounded in 1798, in a duel in Guernsey, with an officer in the army, and died the day following.

3.—John E. Tupper, aged twenty, perished at sea, in 1812, in the Mediterranean, the vessel in which he was a passenger, from Catalonia to Gibraltar, having never been heard of since.

4.—Charles J. Tupper, aged sixteen, a midshipman of H.M.S. *Primrose*, drowned in 1815, at Spithead, by the upsetting of the boat in which he was accompanying his captain to the ship.

5.—Lieut. E. William Tupper, H.M.S. *Sybilie*, aged twenty-eight, mortally wounded in her boats, June 18, 1826, in action with a strong band of Greek pirates, near the island of Candia.

6.—Colonel William De Vic Tupper, Chilian Service, aged twenty-nine, slain in action near Talca, in Chile, April 17, 1830. The four last, sons of John E. Tupper, and Elizabeth Brock, his wife, and nephews of William De Vic Tupper, already named, and also of Major-General Sir Isaac Brock, K.B., of Lieut.-Colonel John Brock, and of Lieut. Ferdinand Brock, who all fell by the bullet.

7.—Colonel William Le Mesurier Tupper, of the British Auxiliary Legion in Spain, and a captain in the 23d, or Royal Welsh Fusiliers, mortally wounded near San Sebastian, May 5, 1836, aged thirty-two.—Colonel Tupper was nephew of W. De Vic Tupper, and first cousin of the four brothers last named.

By a most extraordinary coincidence, Brock and Frederick, the sixth and seventh sons of the said J. E. Tupper—both passengers in H.M.'s packets from Rio Janeiro to Falmouth—died at sea on the same day of the same month (15th August), and the remains of both were committed to the deep, the former in 1833, aged thirty, and the latter in 1837, aged thirty-three.

John Tupper, third son of Daniel, by his wife, Elizabeth, daughter of Elisha Dobrée, of Beauregard, obtained, in 1747, a commission by purchase in General Churchill's regiment of marines, that corps being then differently constituted to what it is now. He served as a captain at the celebrated defeat of the French fleet in Quiberon bay by Sir Edward Hawke, in 1759; as a major and commandant of a battalion at Bunker's hill, in 1775*, where he was slightly wounded, and where the marines, having greatly distinguished themselves, won the laurel which now encircles their device; and as a colonel in Rodney's victory of the 12th of April, 1782, having been especially sent from England to command the marines in the fleet, about 4,000 men, in the event of their being landed on any of the enemy's West India islands. At his decease, in January, 1795, he was a major-general in the army, and commandant-in-chief of the marines.

His only son, Carré, born in 1765, was made a lieutenant in 1782, a few days after he had completed his seventeenth year, and appointed by Sir Peter Parker to the *Sandwich*, his flag ship at Jamaica.

The peace of ten years, which soon followed, proved a bar to his further advancement, although during this period he was constantly employed in different ships; and in 1791, being then a lieutenant of the *Culloden*, he saved, in a most gallant manner, the life of a seaman who had fallen from the fore yard into the sea, the ship being at the time under sail on her way out with the squadron from Carlisle Bay, Barbadoes.

In the beginning of September, 1793, while serving in the *Windſor Castle*, 98 guns, Vice-admiral Cosby, off Toulon, he volunteered to take the command of Fort Pomot, near that city, the garrison of which consisted of one hundred and fifty seamen and soldiers. This fort was commanded by an adjacent eminence, on which the enemy erected two batteries, one of two 12-pounders, the other of three

* Major Tupper succeeded to the command of the marines, of whom there were two battalions at Bunker's hill, after the fall of the gallant Major Pitcairn, and was honourably mentioned in the general orders of the day.

8-pounders, with a 12-inch mortar, and from which they kept a heavy fire on Fort Pomet during the day, as well as endeavoured to surprise it during the night. But by his activity and resolution, not pulling off his clothes for many weeks, Lieutenant Tupper frustrated every attack, and the garrison having, with very great labour and fatigue, strengthened the fort, by placing on the walls large casks and nearly fifteen hundred sacks filled with earth, the defence was protracted until the 9th of December following, when it was found necessary to blow it up. For his services on this occasion, Lieutenant Tupper received the repeated approbation and thanks of Lord Mulgrave, and Generals O'Hara and Dundas, successively commandants of Toulon; and, on his quitting Fort Pomet, Lord Hood immediately appointed him a lieutenant in his own flag-ship, the *Victory*.

On the morning of the evacuation of Toulon, Lieutenant Tupper again volunteered to accompany Sir Sydney Smith in the perilous undertaking of setting fire to the arsenal and French ships of war in the harbour. Lieutenant Tupper having been charged with the destruction of the general magazine, the hemp, pitch, and other store houses, was employed the whole day, with his boat's crew of only seven men, in placing the combustibles, expecting that the gates of the yard would be forced open every moment by the enemy, and that they would be all put to death. On the preconcerted signal being made in the evening, Lieutenant Tupper set fire to the different combustibles, (no officer being in the dock yard that night but himself,) but owing to the wind being very light, the destruction, although great, was not so complete as the awful blaze at first gave reason to suppose. Having performed his dangerous task, Lieutenant Tupper proceeded, in his boat, to assist Sir Sydney Smith and Lieutenant R. W. Müller* in setting fire to four sail of the line, which had escaped the flames of the *Vulcan*, fire-ship.

From Toulon, the British fleet proceeded to the reduction of the island of Corsica; and in February, 1794, while near the town and formidable batteries of San Fiorenzo, Lord Hood detached the boats under Captain Cooke† to endeavour to prevent the destruction, by the French, of two of their frigates at anchor under the batteries. One of the frigates was burnt, but the other, although scuttled, was saved; and as the boats quickly pushed on towards the town, which the enemy were evacuating, Lieutenant Tupper, being the second person who landed, immediately ran to the citadel, and hauled down the French colours, which he afterwards delivered to Lord Hood.

On the 11th of April, Lord Hood entrusted Lieutenant Tupper with his summons of surrender to the commandant of Bastia, and, singularly enough, he, who carried the summons, was the only British officer who was slain before the place.

On the 24th April, 1794, Lieutenant Tupper having volunteered to obtain information, if possible, relative to the state of the French garrison of Bastia, he proceeded after dark on this perilous service, and his boat having unfortunately grounded at ten o'clock p.m., under the walls, he was endeavouring to get her off when she was discovered by a sentinel on shore, who fired at her, and the bullet unhappily striking Lieutenant Tupper in the heart, he instantly expired.‡

Thus fell, in the pride of manhood, a most zealous and intrepid officer, and his fate was the more lamented because Lord Hood had promised him the first commander's vacancy for his services at Toulon, which vacancy occurred only two days after his death, and was consequently conferred on the late Vice-admiral Sir John Gore. And we have heard, but cannot vouch for the fact, that the admiralty had promoted him for those services, and sent out his commander's commission, before the intelligence of his death was received in England. Had his life been spared a few years longer, he would probably have found an opportunity of distin-

* Captain R. W. Müller, commanding the *Thetis*, 74, was killed in 1799, by the accidental explosion of some shells on board his ship, employed under Sir Sydney Smith, in the defence of Acre. He commanded the *Captain*, 74, at the battle of St. Vincent, and the *Thetis* at the battle of the Nile.

† Captain Edward Cooke, while commanding the *Sybil* frigate, was mortally wounded in 1799, in the capture of the *Fort*, a French frigate of much superior force, in the Bay of Bengal. The present Commander N. Mager, of Guernsey, was third lieutenant of the *Sybil* on this occasion, and first took possession of the prize.

‡ See *United Service Journal* for 1840, pp. 174, 341.

guishing himself, in a higher rank, in the many glorious engagements which soon after ensued, as did his more fortunate brother lieutenants at Toulon, Edward Cooke, R. W. Miller, and John Gore.

In person, Lieutenant Tupper was tall and uncommonly handsome, being upwards of six feet in height, well proportioned, and of a most pleasing countenance.

COLONEL SIR GEORGE SMITH,

Aide-de-camp to the king, commenced his military career in 1778, as ensign in the 25th regiment, and shortly afterwards accompanied it to the relief of Gibraltar. During the peace that followed, excepting a short leave of absence, he was on duty with his regiment in that garrison.

At the breaking out of the war, in 1793, being then captain, he embarked, in charge of a detachment, on board the fleet under the command of Lord Hood, and was present at the taking possession of Toulon; he was engaged in the principal affairs during the service there; and, in defence of Fort Mulgrave, a most important post, on which depended the occupation of the harbour, he received a severe wound through the thigh. In acknowledgment of his spirited behaviour on that day, he was nominated to the staff by Colonel Lord Mulgrave, and continued by Generals O'Hara and Dundas, as they succeeded to the command of the army. In a sortie, made against the works of the enemy, he was a second time wounded.

In the year 1794, he was at the landing in Corsica, the taking of St. Fiorenzo, the capture and destruction of the French frigates and gun-boats, and, subsequently, the siege and capture of the two principal fortresses, Bastia and Calvi.

He raised a regiment of natives, and was employed by the vice-roy, Sir Gilbert Elliott, afterwards Lord Minto, in several important commands and distinct services; but his spirited and judicious conduct, at a very critical conjuncture, obtained him the most marked approbation. When the rebellion broke out in the island, and assumed so serious an aspect that the communication by land was stopped, and the troops were confined to their respective garrisons, he proceeded alone into the interior, and, by his superior address, contrived to gain over a considerable body (upwards of 2,000) of the misguided people, with which he marched to the relief of Ajaccio, a place of the greatest consequence for its harbour, where the fleet watered and refitted.

Shortly after the evacuation of Corsica, he returned to England, but was not long suffered to remain inactive. During the period when Great Britain was kept in a state of alarm by the threatened invasion, he was appointed assistant-adjutant-general in the Yorkshire district, under General Lord Mulgrave, with whom he continued, until nominated lieutenant-colonel of the 20th regiment, in the year 1799, when he immediately proceeded, with the army then under the orders of Lieut.-General Sir Ralph Abercromby, to Holland. An attack, on the 10th September, made by a vastly superior force, on a post occupied by the British, near Crabben-dam, and which had been particularly confided to him, brought him again, in a very prominent manner, to notice. In spite of the repeated and obstinate efforts of the French to carry this position, they were everywhere repulsed, and, after sustaining a severe loss, were forced to retire. The following extract, from Sir Ralph Abercromby's official despatch, best conveys the impression of this officer's conduct:—

"The two battalions of the 20th, posted opposite to Crabben-dam and Zuyper Sluys, did credit to the high reputation which that regiment has always borne; Lieutenant-Colonel Smith, of that corps, who had the particular charge of that post, received a severe wound in the leg, which will deprive us for a time of his services.

"Schuyler Brug, September 11, 1799."

In 1800, he was employed, with the 20th, in an expedition under Brigadier-General the Honourable Thomas Maitland, which was destined to attack various posts on the French coast. It was attended with partial success only, and, the main object not being found practicable, it was given up, and the 20th ordered to reinforce the garrison of Minorca.

The expedition to Egypt, in 1801, in which a part of the troops from Minorca

was taken to assist, afforded another opportunity to this of tinguishing himself. On the 25th August, Major-General S to push as near as possible to the enemy's works, employ Smith, with the 1st battalion 20th regiment, and a detach attack and drive in the advanced posts. He commenced op turning the left of the enemy, and, scouring the hills as tually accomplished his purpose. The gallant performance noticed in the *Gazette* :—

"The cool and spirited conduct of Lieutenant-Colonel Smith, as ment under his command, is well deserving of praise : not a man a whole was effected by the bayonet."

At the close of the Egyptian campaign, Lieutenant-Col with the 20th regiment to Malta, and soon afterwards the place left him at liberty to return to England. Whilst pre ture, he received the most flattering proof of the sentiments in a letter addressed to him by Lieutenant-Colonel Ross, afterwards acquired such distinction at Washington, and near Baltimore, was so justly deplored by his country :—

"SIR,—I am directed by the officers of the first 20th regiment to your constant and unremitting exertions, they feel indebted for the upon which the first battalion has been engaged, they must ever wi period during which they were under your command, nor can th utmost regret, find themselves deprived of a commanding officer to w Anxious to convey to you the strongest assurances of respect and es acceptance of a sword, which, as a soldier, they trust you will rec testimony they can offer of the high opinion they entertain of your u you afforded while in command, and of the regret they feel in losing

"May you have health to wear it, and, when you draw it in de country, may it be the good fortune of the 20th to be under your com

"Vittoriosa, March 15, 1802.

Such a mark of admiration and esteem, from a whole c highly creditable to the character of Lieutenant-Colonel Smi being extremely gratifying to the feelings of a soldier. Th sword states it to be a token of regard from the officers, i high sense of his meritorious and exemplary conduct, and "10th September, 1799," and "25th August, 1801," and t quid non?"

He was now called to fill the situation of secretary to Lord for foreign affairs, and, in the year 1805, selected by his maje proceed upon a confidential mission to Naples and Sicily. Sicily in the execution of his duty, he was struck by *malaria*, brought to the brink of the grave, receiving a shock to his com he never recovered. From Sicily he was appointed to join th in Germany, to whose head quarters he was attached, and th notwithstanding the state of his health. On his return to J having in some degree abated, his eagerness for active service le employment at Copenhagen. There, at the head of the 82d he had been recently appointed, his able and gallant conduct so and this field proved no less fortunate than Toulon, Holland, and ing his professional merit, and securing to him the approba commanding. Lord Cathcart manifests his sense of Lieutena services in his public orders, as well as in his official communicat reagh, of the military occurrences before that capital ; in the

"Lieutenant-Colonel Smith, with the 82d regiment under his comm the wind-mill on the left, which, for the greater part of the time, was the gun boats and sorties of the enemy, and the unremitting exertion particular notice.

"September 8, 1807."

On this occasion he had the honour of knighthood conferred same year he embarked on a particular service, under the comm

General Sir Brent Spencer, but the great change of affairs in Spain caused it to be relinquished, and he came home with the result of some negotiations entered into with the Spanish authorities at Cadiz.

On his arrival, he received an additional testimony of his majesty's own approbation, by being appointed his aide-de-camp. His exertions amidst the constantly recurring attacks of his disease rendered a short repose necessary; he sought it in his native isle, and was in a slow progress of recovery, when, in 1809, he was again called for on a very important occasion, a mission to Cadiz, and one of his majesty's ships, the *Hope*, was despatched to take him to his destination. His high sense of military duty never admitted an idea of hesitation; he proceeded thither contrary to the advice of his friends, who, from the weak state of his health, anticipated the fatal event which took place within a month after his arrival.

Thus died Colonel Sir George Smith, in the 49th year of his age, at a period when, from the distinction he had already attained, the higher destinies of his profession seemed to be awaiting him.

His remains were conveyed on board his majesty's ship *Viper* with military honours, the troops lining the streets to the water's edge, accompanied by Captain Stewart, of the 82d regiment, his secretary. This faithful friend had determined not to quit the body till he had seen it interred at Gibraltar, but he was never fated to perform his melancholy duty. The *Viper* was never heard of after leaving Cadiz, and is supposed to have foundered, consigning all on board to one common grave.

It is not in the partial testimony of friendship, but in a faithful detail of services, and in the record of them by the generals under whose orders they are performed, that the professional merit of an officer can be best appreciated. The conduct of Colonel Smith brought him forcibly to notice at a very early period of his military career, and every subsequent occasion upon which he was employed, it will be seen, served but to enhance that character which his brilliant exploits had before acquired him. His zeal in his profession and his judgment in the direction of it were excellent; but, for several years, alas, both were exerted under the cruel disadvantage of ill health, even to the hour of his death.

Regard for his virtues, and respect for his character, made his loss severely felt by all who knew him, either in the discharge of his public duty, or more intimately by the contemplation of his many endearing qualities in private life.

He was in the army upwards of thirty years, in the course of which he had been three times severely wounded, and though his death might not be accounted so glorious as if he had fallen in battle, this consideration is due to his memory, that his life was lost equally in the service, and from the most manifest devotedness to the interests of his country.

Sir George was the eldest son of Captain Thomas Smith, royal invalids, and Mary De Havilland, his wife, and was united to his first cousin Carterette, eldest daughter of Sir Peter De Havilland, bailiff of Guernsey, and left his widow with two daughters, one of whom married Mr. Augustus Frederick Dobrée, and the other Mr. Joshua Priaux.

MAJOR-GENERAL LE MARCHANT.

The family of Le Marchant has long been settled in Guernsey. There is a tradition that it passed over from Normandy soon after the conquest. A fine old gateway, with the Le Marchant arms inscribed on it, stood near Cherbourg, until the revolution. James Le Marchant* was a jurat of the royal court, in the reign of King John. In the following reign, Robert Le Marchant acquired an estate at Bursenhall, in the county of Southampton,† and others of the name held lands in Somersetshire, Devonshire, and Herefordshire, in the reigns of Edward I. and II. One of them represented the borough of Wells in parliament.‡ Peter Le Mar-

* Copies of a record are extant, respecting the erection of a bridge at the Vale, in 1294. James Le Marchant is one of the jurats named in it. (See page 456.)

† Testa de Nevill, Temp., Hen. 3, Edw. 1.

‡ Palgrave's parliamentary writs.

chant was bailiff and lieutenant-governor of the island during a great part of the reign of Edward I., having been the deputy of Otho De Grandison, whose oppressive administration we have already had occasion to notice. He died in 1335, leaving two sons. John, who succeeded him as bailiff, and gained such honour by his gallant defence of Jersey, against the French, died without issue. Denis married Janet De Chesney,* and was the progenitor of the various branches of the Le Marchants, which have since flourished in the island. Of the two chief branches, the younger dates its origin in the reign of Henry VI., from Drouet Le Marchant, who was captain of Beauregard, the citadel of St. Peter-Port, under the celebrated Warwick, the lord of the isles. Others of the family appear likewise to have been soldiers, and to have served with credit, as their honourable conduct is referred to in the grant of the coat of arms now borne by their descendants. It is not known that any of them settled out of the island until the period which we are now approaching.

Thomas Le Marchant, of Le Marchant manor, a younger branch of the L'Hyvreuse family, and lieutenant-bailiff of the island, in the reign of George II., married first, Catherine Manger, of the same family with the wife of the Protector, Richard Cromwell; by her he had issue two sons, Thomas and John. He married secondly, Mdlle. Hirzel, a French protestant lady, of the noble family of St. Gratien, near Amiens, in Picardy, and the heiress of Lewis, Count d'Olon,† the lieutenant-governor of the island: by her he had no issue. His eldest son, Thomas, the colonel of the west regiment of militia, was perhaps the most accomplished of the Guernsey gentlemen of his day. He passed many years in Italy and Germany, and was eminent for his taste in literature and the fine arts. He commenced a history of the island, for which he had collected materials in Normandy, but unfortunately not having the perseverance requisite for such a work, it was never finished. He married Miss Fiott, and died without issue, at an advanced age, at Exeter, in 1816.

John, the second son, was educated at Pembroke college, Oxford, but he left the university without a degree, upon obtaining a cornetcy in the 7th dragoons, with which regiment he served the last three campaigns of the seven years' war, in the army of Prince Ferdinand, of Brunswick. He retired on half-pay upon the peace of Aix-la-Chapelle, when he married Maria Hirzel, of St. Gratien, the eldest daughter of the Count de St. Gratien, a *maréchal-de-camp* of the Swiss guards, in the service of France, the niece and eventually heiress of his step-mother. He died at Bath, in 1794, leaving issue two sons, of whom the elder,

John Gaspard Le Marchant, entered the army as an ensign in the royals, in 1783. He accompanied his regiment to Gibraltar, where he passed several years without promotion, and despairing of advancement in the line, he exchanged into the Inniskilling dragoons. The countenance of Lord Heathfield brought him under the notice of the king, and in three years he obtained his troop. In 1793, he joined the army in Flanders, under the Duke of York, and having distinguished himself in an attack on the French infantry, at Cassel, he was appointed brigade-major to the Hon. General Harecourt, with whom he served the campaigns of 1793 and 1794. In the latter year he purchased a majority in the 16th light dragoons, then commanded by General Harecourt, and returned to England.

In 1795, Major Le Marchant laid before the commander-in-chief a plan for the introduction of a sword exercise throughout the service, which was adopted and is universally allowed to have promoted, in a very high degree, the efficiency of the British cavalry. For this he was appointed, without purchase, lieutenant-colonel of the 7th light dragoons. His next undertaking was the establishment of an institution for the military instruction both of officers and of youths intended for the army, and after many difficulties which nothing but his ardour and energetic spirit and perseverance enabled him to surmount, the royal military college was founded by the king's warrant, in 1802, and he was appointed the lieutenant-

* This illustrious Norman family appear to have held great domains in the island, up to the reign of Henry IV.—See p. 7, and Berry's history, pp. 140, 1, 2.

† He was an ancient French refugee officer, and had attended Lord Galway as aide-de-camp and secretary, at the unfortunate battle of Almanza.

governor, with a salary and emoluments, amounting, with his regimental pay, to upwards of £2,000 per annum.

This office he filled for nine years with the most distinguished reputation. Two hundred officers were educated for the staff of the army, under his eye, the quartermaster-generals, both of Lord Wellington's and Marshal Beresford's army, together with most of their assistants, being amongst them. He also found time to furnish the commander-in-chief with many useful suggestions for the improvement of the army, not the least of which was the formation of the Staff Corps, a department which proved so useful in the Peninsular war.

In 1811, having attained the rank of major-general, he was removed from the college to the command of a brigade of heavy cavalry, in the Peninsula. He joined the army in the autumn of that year, and in the following January was employed at the siege of Ciudad Rodrigo, where he attended Lord Wellington during the assault. Being afterwards attached to the corps under Sir Thomas Graham, he gained great distinction by his conduct at Llerena, in Estremadura, on the 19th of April, where, with only three squadrons of the 5th dragoon guards, he overthrew and dispersed two of the finest cavalry regiments in the French service, with the loss of five hundred men in killed, wounded, and prisoners.

At the battle of Salamanca, 22d of July, 1812, General Le Marchant's brigade was posted on the right centre of the allies. The communication between the centre and left of the French having been broken, partly by General Thomiere's rash advance, and partly by his defeat, a bold effort was made by a division of French infantry to restore it and save the day. General Le Marchant saw the importance of the movement, and notwithstanding great disadvantages of ground, as well as disparity of numbers, for he had only 800 horse to oppose more than 5,000 of the enemy's infantry, he at once charged. The result was glorious, the French division being completely routed, more than 1,500 prisoners taken, besides many killed and wounded. The general led the charge himself, and six of the enemy fell by his hand. Unhappily, his zeal carried him unnecessarily forward in the pursuit, and he received a musket wound in the groin, of which he immediately expired, but not until he had witnessed the perfect success of the charge.

This charge is still considered one of the most brilliant made by the British cavalry during the war, and the entire credit of it is due to General Le Marchant, as his brigade was the only portion of the cavalry engaged in it. The Duke of Wellington, in his despatch announcing the victory, said,—“In this charge “Major-General Le Marchant was killed at the head of his brigade, and I have “to regret the loss of a most able officer.”

The general was only 47 years of age at the time of his death. Few officers bore a higher character in the service, or could be more deeply or generally regretted. He wrote several works on cavalry tactics, all of which had a great circulation; nor were his attainments confined to his profession, for he was a skilful draughtsman, and possessed a considerable knowledge both of music and architecture. He stood high in the personal esteem of George the Third, and lived on terms of great intimacy and confidence with Mr. Wyndham, Lord Grenville, and others of the leading statesmen of his time. A monument was erected to his memory, at the public expense, in St. Paul's cathedral, and a pension of £1,200 per annum settled on his family.

The general married early in life, Mary, the daughter of Mr. John Carey, jurat, by whom he had a family of five sons and five daughters; the eldest son died in infancy; the second, Carey, is the subject of a biographical sketch in this work. The third, Denis, barrister-at-law of Lincoln's inn, and now of Chobham-place, in the county of Surrey, was principal secretary to the lord chancellor during the administration of Earl Grey. The fourth, John Gaspard, distinguished himself as brigadier-general and adjutant-general of the British auxiliary legion in Spain, and having obtained the cross of commander of the order of St. Fernando, and the order of St. Carlos, was, upon his return to England, knighted by her majesty, and is now lieutenant-colonel commanding the 99th regiment. The fifth son, Thomas, is a captain in the 7th dragoon guards, and aide-de-camp to Lord Sydenham, the governor-general of British North America.

MAJOR-GENERAL SIR ISAAC BROCK, K.B.

Mr. William Brock, who died in 1776, had three sons and one daughter, viz., William, married to Judith De Beauvoir; John, married to Elizabeth De Lisle, daughter of the then lieutenant-bailiff; Henry, married to Susan Saumarez, sister of the late Admiral Lord De Saumarez; and Mary, wife of Mr. John Le Marchant.

Isaac Brock, the eighth son of the said John Brock and Elizabeth De Lisle, was born in Guernsey on the 6th of October, 1769. He entered the army, by purchase, as an ensign in the 8th regiment, in 1785, and having purchased the succeeding steps with unusual rapidity, he became lieutenant-colonel commanding the 49th regiment, on the 25th of October, 1797, just after he had completed his twenty-eighth year. During the campaign in Holland, in 1799, he distinguished himself at the head of his regiment, which, in the battle of Berghen, on the 2d of October, had two officers killed and five wounded. It was a very cold day, and Colonel Brock's life was in all probability preserved by his wearing several black silk cravats, which were all perforated by a bullet, but which prevented its entering his neck. He was second in command of the land forces at the memorable attack of Copenhagen by Lord Nelson in 1801, in which he was to have led the 49th in storming the principal of the Trekroner batteries, in conjunction with 500 seamen under Captain Fremantle; but the obstinate defence of the Danes rendered the attempt impracticable, and Lieutenant-Colonel Brock continued on board the *Ganges*, of 74 guns, one of the ships engaged. His next younger brother, Savery, served under him in the 49th, and had his hat torn from his head by a cannon or grape shot, while in the act of pointing one of the guns of the *Ganges*. In the following year, Lieutenant-Colonel Brock proceeded to Canada with his favourite 49th, and there remained, with only one intermission, when he returned on leave to Europe, until the period of his death. In 1811, he acted, we believe, as temporary governor-general, Sir James Craig having proceeded to England previously to the arrival of his successor, Sir George Prevost. In this year he obtained his promotion as a major-general, when he anxiously repeated an application, which he had before frequently made, for more active employment in Europe. The Duke of York at length expressed every inclination to gratify his wishes, and Sir George Prevost was authorized to replace him by another officer; but when the permission reached Canada, a war with the United States of America was evidently near at hand, and Major-General Brock, with such a prospect, was retained, both by honour and inclination, in the country.

At the commencement of the second American war, in June, 1812, Major-General Brock was administering the civil as well as the military government of Upper Canada, and he could scarcely collect 1,500 troops for its immediate defence. But he quickly received voluntary offers of service from the militia, most easily embodied, while the Indian warriors soon after joined him at Amherstburg, in considerable numbers. The American government, previously to its declaration of war, had detached to the Michigan territory, an army of about 2,500 men, under Brigadier-General Hull, an old revolutionary officer of high reputation, who, said the president, in his message to congress, "possessing discretionary authority to act offensively, passed into Upper Canada, with a prospect of easy and victorious progress." Having reached the Canadian village of Sandwich, Hull issued, on the 12th of July, an ably written proclamation to the provincials, in which he said, "Had I any doubt of eventual success, I might ask your assistance, but I do not. I come prepared for every contingency. I have a force which will look down all opposition, and that force is but the vanguard of a much greater." Brock had just arrived at Fort George from York (now Toronto), when he heard of Hull's invasion. It was his intention to attack, and there is no doubt he would have carried, Fort Niagara; but Sir George Prevost not having sent him any official account of the war, or any order to guide his proceedings, he was restrained from acting according to the dictates of his judgment and the natural energy of his mind. After issuing a proclamation to defeat the object of that circulated by the American general, Brock returned to York to meet the provincial legislature, which, on account of the war, he had called together for an

extra session.* The session was short, and on the 5th August, Brock again left York for Fort George, and for Long Point, on Lake Erie. On the 8th, he embarked at the latter place, with forty rank and file of the 41st regiment, and 260 of the militia forces, in open boats, which reached Amherstburg on the evening of the 12th. Hull, after wasting nearly a month in preparations for the siege of Fort Amherstburg, retraced his steps precipitately to Fort Détroit, whither he returned on the 8th August. Brock immediately determined, with his very inferior and motley force, on following the enemy into his own territory, and on attempting, by a sudden and resolute attack, the annihilation of his army in that quarter. With this view the troops were marched to Sandwich, where a few guns were placed in battery, from which a fire was opened against Fort Détroit, on the 15th August, on which day Brock sent across a flag of truce, with a summons, demanding the immediate surrender of the garrison; but Hull replied that he was prepared to meet any force which might be at the disposal of the British general. Nothing daunted, and contrary to the opinion of the next in command, Brock issued orders to cross the strait or river, which is here about three-fourths of a mile in width, on the following morning, in the hope of inducing the enemy to meet his little force in the field. Accordingly, on the 16th of August, 330 regulars, with 400 militia, and about 600 Indians, together 1,330 men, were embarked, with five pieces of light artillery, in boats and canoes of every description, and soon effected a landing without opposition. Contrary to Brock's expectation, the Americans abandoned a favourable position, and retreated into the fort on the advance of the British. Ascertaining that the enemy had taken little precaution on the land side, Brock resolved on attempting to carry the fort by assault. While the various columns were forming for that purpose, a flag of truce was unexpectedly seen issuing from the fort, and soon afterwards the British troops marched in, Hull having assented to a capitulation, by which the Michigan territory, Fort Détroit, with thirty-three pieces of cannon, the *Adams*, vessel of war, and about 2,500 troops, were surrendered to the British arms. The success that attended this first enterprise, in which the militia had been engaged, produced an electrical effect throughout the two provinces. It inspired the timid, fixed the wavering, and awed the disaffected, of which last there were a few. It also induced the six nations of Indians, who had hitherto kept aloof, to take an active part in our favour.† Te-cum-seh, the celebrated Indian chief, who was slain in 1813, headed a party of his warriors on this occasion. Previously to crossing, Brock asked him what sort of country he should have to pass through in case of his proceeding further. Te-cum-seh, taking a roll of elm bark, presently etched upon it, with his scalping knife, a plan of the country, with its hills, woods, rivers, morasses, and roads, which was perfectly intelligible. Pleased with this unexpected talent, and with the boldness of Te-cum-seh, the British general, after his entry into Détroit, publicly took off his sash and placed it round the body of the chief, who received the honour with evident gratification. But being seen the next day without his sash, General Brock, thinking that something had displeased the Indian, sent his interpreter for an explanation. The latter soon returned, and stated that Te-cum-seh, not wishing to wear such a mark of distinction, when an older, and, as he said, an abler warrior than himself was present, had transferred the sash to a Wyandot chief!‡ Leaving a small force in Détroit, Brock hastened to Niagara, a command he had only relinquished for the purpose of undertaking an achievement which his energy and decision crowned with such unqualified success. His services on this occasion were on the 10th of October rewarded with the order of the Bath, which was then confined to one degree of knighthood only, but he lived not long enough to learn that he had obtained so gratifying a distinction, the knowledge of which would perhaps have cheered him under the mortification of being subsequently restricted to defensive operations.

In transmitting his despatches to the governor-general, Brock expressed his intention of proceeding immediately to the attack of the naval arsenal at Sackett's harbour, on Lake Ontario. Had its destruction been accomplished, of which there

* † ‡ James' Military Occurrences of the late war between Great Britain and the United States of America. London, 1818.

was then little doubt, the Americans would not so easily have built and equipped the fleet, which the following year gave them the ascendancy on that lake. But, unhappily, Sir George Prevost disapproved of the enterprize, and commanded Brock to remain on the Niagara frontier. The latter felt the disappointment most acutely, and subsequent events too truly proved that, had he been permitted to pursue that course which his zeal and foresight dictated, his valuable life might have been spared, and a very different series of incidents in that war have claimed the attention of the historian.

The Americans, burning to wipe away the stain of the capture of *Détroit*, and apparently determined to penetrate into Upper Canada at any risk, concentrated with those views an army of about 6,000 men, partly militia, under Major-General Van Rensselaer. To oppose this force, Brock had under his command only 1,500 men, including militia and Indians, but so dispersed between Fort Erie and Fort George (thirty-four miles apart) that only a small number was quickly available at any one point. A considerable number of the enemy crossed over from Lewistown before day-break on the 13th of October, and gained possession of the shore near Queenston. Having arisen before daylight, according to his usual custom, and hearing the report of cannon and musketry, Brock galloped eagerly from Fort George to the scene of action, distant seven miles, after directing Major-General Sheaffe to bring up the troops as soon as they could be assembled. On his reaching Queenston, he found the flank companies only of the 49th, with a few of the militia, warmly engaged. Soon after, observing the Americans to waver, he ordered a charge, which he personally accompanied, but as they gave way, the result was not decisive. Retiring to the heights, the enemy opened a heavy fire of musketry, and "conspicuous from his dress, his stature, and the enthusiasm with which he animated his little band, the British commander was singled out by the "American riflemen;" and about an hour after his arrival the fatal bullet entered his right breast, and passed through his left side. He lived only long enough to utter this dying exhortation: "My fall must not be noticed, or prevent my brave companions from advancing to victory." But his provincial aide-de-camp, Lieutenant-Colonel McDonell, having soon after fallen, and Captains Dennis and Williams, commanding the flank companies, being severely wounded, the handful of British was compelled to retire.

In the afternoon, the British troops having assembled from various points, and now equal in number, quickly compelled the enemy to surrender, upwards of 900 men being made prisoners. So beloved was Brock, by the 49th, that his death is said to have cost the invaders many a life on that day, which otherwise had been spared. After lying in state at the government-house, the deceased was interred with every military honour, in a cavalier bastion, at Fort George; and as soon as the funeral solemnities were ended on the British side, the Americans, by a previous intimation from their general, fired a compliment of minute guns on theirs!!! In person, Sir Isaac Brock was tall, erect, and well proportioned, his countenance was fine and benevolent, and his manners were frank and engaging. One of his brothers, Ferdinand, a subaltern of the 60th regiment, was slain in the defence of *Bâton Rouge*, on the Mississippi, in the first American war; and another, John, a lieutenant-colonel, was killed in 1802, in a duel at the Cape of Good Hope, in consequence of his having, as steward of a public ball, very properly resisted the introduction, by his antagonist, of a female of disreputable character. Another brother is the present bailiff, or chief magistrate of Guernsey, and the tenth and youngest brother, Irving, who died at Bath, in 1838, was "the accomplished translator of Bernier's *Travels in India*."

"His royal highness the Prince Regent," observed Earl Bathurst, in a despatch to Sir George Prevost, "is fully aware of the severe loss which his majesty's service has experienced in the death of Major-General Sir Isaac Brock. This would have been sufficient to have clouded a victory of much greater importance. His majesty has lost in him, not only an able and meritorious officer, but one who, in the exercise of his functions of provisional lieutenant-governor of the province, displayed qualities admirably adapted to awe the disloyal, to reconcile the wavering, and to animate the great mass of the inhabitants against

" successive attempts of the enemy to invade the province, in the last of which he
 " unhappily fell, too prodigal of that life of which his eminent services had taught
 " us to understand the value."

The American president, Madison, alluding to the battle of Queenston, in his annual message to congress, said, " Our loss has been considerable, and is deeply
 " to be lamented. That of the enemy, less ascertained, will be the more felt, as
 " it includes, amongst the killed, the commanding general, who was also the
 " governor of the province."

A national monument was raised to the memory of Sir Isaac Brock in St. Paul's;* and a lofty column having been erected on Queenston Heights by the provincial legislature to the hero of Upper Canada, as he is still termed in that country, his remains, and those of his gallant aide-de-camp, Lieutenant-Colonel M'Donell, were removed on the 13th of October, 1824, from Fort George, in solemn military procession, to the monument. One of his regimental companions, Colonel Fitzgibbon, in transmitting a detail of the ceremonies of the day, thus pathetically expressed himself:—" Nothing, certainly, could exceed the interest manifested by the people
 " of the province upon the occasion; and numbers from the neighbouring state of
 " New York, by their presence and conduct, proved how highly the Americans
 " revere the memory of our lamented chief. Of the thousands present, not one
 " had cause to feel so deeply as I, and I felt as if alone, although surrounded by
 " the multitude. He had been more than a father to me in that regiment which
 " he ruled like a father, and I alone of his old friends in that regiment was present
 " to embalm with a tear his last honoured retreat."

The column, which is 127 feet in height, and 477 feet above the level of the Niagara river, which runs nearly under it, bears the following inscription:—

UPPER CANADA
 HAS DEDICATED THIS MONUMENT
 TO THE MEMORY OF THE LATE
 MAJOR-GENERAL SIR ISAAC BROCK, K.B.,
 PROVISIONAL LIEUT.-GOVERNOR AND COMMANDER OF THE FORCES
 IN THIS PROVINCE,
 WHOSE REMAINS ARE DEPOSITED IN THE VAULT BENEATH,
 OPPOSING THE INVADING ENEMY,
 HE FELL IN ACTION NEAR THESE HEIGHTS,
 ON THE 13TH OCTOBER, 1812,
 IN THE 43D YEAR OF HIS AGE,
 REVERED AND LAMENTED
 BY THE PEOPLE WHOM HE GOVERNED,
 AND DEPLORED BY THE SOVEREIGN
 TO WHOSE SERVICE HIS LIFE HAD BEEN DEVOTED.

On the 17th of April, 1840, some miscreant, supposed to be a Canadian refugee rebel on the American frontier, introduced a quantity of gunpowder into the monument for the fiendish purpose of destroying it; and the explosion caused so much injury as to render the column almost irreparable. The indignation of the Canadians was aroused, and at a vast meeting on Queenston Heights, on the 30th July following, resolutions were adopted for the restoration of the monument.† The Lieutenant-Governor, Sir George Arthur, presided at this meeting, which was attended by the principal inhabitants; a detachment of royal artillery, who fired a salute on the occasion; a detachment of dragoon guards; and the 93d regiment (highlanders). The gathering, as it was called, was observed in Toronto as a solemn holiday; the public offices were closed and all business was suspended, while thousands flocked from every part of the province to testify their affection for

* This chief of the branch of the once great tribe of the Hurons visited England some time ago. I afterwards saw him in Quebec, and had a good deal of conversation with him. When asked what had struck him most of all that he had seen in England, he replied, without hesitation, that it was the monument erected in St. Paul's, to the memory of General Brock. It seemed to have impressed him with a high idea of the considerate beneficence of his great father, the king of England, that he not only had remembered the exploits and death of his white child, who had fallen beyond the big salt lake, but that he had even deigned to record, on the marble sepulchre, the sorrows of the poor Indian weeping over his chief untimely slain—*Hon. F. F. De Roos' Travels in North America, in 1826.*

† A public subscription was soon after opened for this purpose, and the six nations of Indians contributed the (for their diminished numbers and limited means) large sum of £167.

the memory of one who, nearly thirty years before, had fallen in its defence. History, indeed, affords few parallels of such long cherished public attachment! On the termination of the proceedings, 600 persons sat down to dinner in a temporary pavilion erected on the spot where the hero fell, and after the queen's health had been drunk, Chief Justice Robinson rose and said—

"I have now to propose the memory of the late gallant Sir Isaac Brock, of Colonel McDonnell, and of those who fell with them on Queenston Heights. That portion of you, gentlemen, who were inhabitants of Upper Canada, while General Brock served in its defence, are at no loss to account for the enthusiastic affection with which his memory is cherished among us. It was not merely on account of his intrepid courage and heroic firmness, neither was it solely because of his brilliant success while he lived, nor because he so nobly laid down his life in our defence: it was, I think, that he united in his person, in a very remarkable degree, some qualities which are peculiarly calculated to attract the confidence and affection of mankind,—there was, in all he said and did, that honesty of purpose which was so justly ascribed to him by a gentleman who proposed one of the resolutions,—there was an inflexible integrity, uncommon energy and decision, which always inspire confidence and respect,—a remarkable union in his whole demeanour of benevolence and firmness,—a peculiarly commanding and soldier-like appearance,—a generous, frank, and manly bearing,—and, above all, an entire devotion to his country. In short, I believe I shall best convey my own impression, when I say it would have required much more courage to refuse to follow General Brock, than to go with him wherever he would lead."

Among the numerous other testimonials of the estimation in which Sir Isaac Brock was held, our limited space enables us to give only the following:—

"General Brock was killed at the battle of Queenston Heights, and the place where he fell was pointed out to me. The Canadians hold the memory of this brave and excellent man in great veneration, but have not yet attempted to testify their respect for his virtues in any way, except by showing to strangers the spot on which he received his mortal wound. He was more popular, and more beloved by the inhabitants of Upper Canada, than any man they ever had among them, and with reason; for he possessed, in an eminent degree, those virtues which add lustre to bravery, and those talents that shine alike in the cabinet and in the field. His manners and dispositions were so conciliating as to gain the affection of all whom he commanded, while his innate nobleness and dignity of mind secured him a respect almost amounting to veneration. He is now styled the hero of Upper Canada, and, had he lived, there is no doubt but the war would have terminated very differently from what it did. The Canadian farmers are not over-burthened with sensibility, yet I have seen several of them shed tears when an eulogium was pronounced upon the immortal and generous-minded deliverer of their country."—*Hovison's Upper Canada*. London, 1821.

LIEUTENANT PETER LE MESURIER.

Second son of the late Mr. Abraham-John Le Mesurier, of the Beaucamps, was, in 1809, appointed to an ensigncy in the 9th foot, then commanded by Lieutenant-Colonel, now General Sir John, Cameron, and almost immediately after sailed with the expedition to Corunna, under Sir David Baird. He was with his regiment in the expedition to Walcheren, and afterwards in Spain, at the battles of Salamanca and Vittoria, at the siege of Burgos, in both assaults of San Sebastian, and finally was killed in action at the operations connected with the passage of the river Nive, on the 10th of December, 1813.

CAPTAIN CAREY LE MARCHANT, 1ST FOOT GUARDS.

The career of this gallant young officer was too brief to furnish matter for a lengthened notice, but the early promise which he gave of distinguished merit entitles his name to an honourable place in this work.

He was the eldest surviving son of Major-General Le Marchant, and was born in Guernsey at the house of his maternal grandfather. Having received a classical education at Eton, he was removed to the royal military college, where he obtained the highest testimonial awarded to the students. In 1807, he was gazetted to an ensigncy in the 1st foot guards, and on joining the regiment he received the appointment of aide-de-camp to Lieutenant-General Sir Harry Burrard, K.B., commanding the household brigade in the London district.

In 1810, he left England on an excursion to the Mediterranean and Turkey, then almost the only parts of Europe accessible to an English traveller. He made some stay at Constantinople, where he contracted an intimacy with Count Ladoff,

an officer in the Austrian imperial guard, son of the Neapolitan ambassador in England, and himself since distinguished as a diplomatist, with whom he visited Athens and the most celebrated remains of antiquity in Greece. He afterwards partook of the hospitality of the well known lady Esther Stanhope, at her villa, in Asia Minor, and traversed a considerable portion of the Turkish empire in that direction. Passing thence over into Sicily, he devoted several weeks to a diligent examination of the splendid monuments of art still to be found there, and narrowly escaped death from a fever caught in taking sketches in the neighbourhood of Catania. In the summer of 1811 he joined his regiment at the Isle de Leon, where it was employed in the protection of Cadiz, and in the spring of the following year he was, to his great delight, attached to his father's staff as aide-de-camp.

From this time he bore an active part in the principal operations of the army under Lord Wellington in Spain and France, and displayed on several occasions a zeal, courage, and capacity which called forth the frequent and warm commendations of the generals under whom he served. He fought by his father's side at Salamanca. Having been subsequently appointed aide-de-camp to Lieut.-General the Hon. Sir Wm. Stewart, K.B., commanding the 2d division, he was present at the battle of Vittoria, where it became his duty to conduct a Spanish division to the attack—an office of great personal danger, in which he acquitted himself with his usual courage, and, to the surprise of all, escaped unhurt. In the first of the battles in the Pyrenees, he was with his general, when the latter was severely wounded, and his division nearly cut to pieces. On finding himself unemployed in consequence, he joined Major-General Pringle as aide-de-camp, and in the next engagement had the gratification of sharing in the praise showered on Pringle's brigade for its exertions on that day. Capt. Le Marchant was also present at the siege of San Sebastian, and as the war was approaching its close, he was dangerously wounded at the battle of the Nive, 13th December, 1813, in an attempt to rally a regiment which had fallen into confusion. His gallantry—to use the expression of Sir William Stewart, in a letter written at the time—was the admiration of the field,* and appears to have attracted the notice of the enemy, as his cloak and saddle were perforated with bullets at the same moment that he himself was struck in two places. Having been carried into St. Jean de Luz, he expired on the 12th day of March, 1814, in the twenty-third year of his age, and was buried in the ramparts of that fortress. Few young men have left a more enviable reputation. His courteous and prepossessing deportment was in unison with the excellence of his heart. Neither the elegance of his person, his accomplishments, nor his success in his profession could alter the simplicity of his character. He was truly mourned by those with whom he served, and in his own family, in which he had sought to supply a father's place, his loss was irreparable.

MAJOR-GENERAL HAVILLAND SMITH

Entered the army at an early age, and at the commencement of the war in, 1793, was a lieutenant in the 25th regiment. He was at Toulon during the whole of the service consequent on its occupation, and there raised a company of chasseurs of 150 men. The following year he was appointed a major of brigade in the army on the continent, under the immediate command of his royal highness the Duke of York, and attached, part of the time, to General Sir David Dundas. He afterwards served in Corsica and Elba, and, in 1795, was major in "Smith's union corps," which was raised in Corsica for its defence by his elder brother, Colonel Sir George Smith. When the island was evacuated, he was reduced to half-pay, and then employed his leisure time in pursuing the studies of his profession at High Wycombe, in the royal military college.

In 1800, he was appointed major of the 27th regiment, having the brevet rank of lieutenant-colonel, and embarked for foreign service.

* Sir Rowland, now Lord, Hill, in a despatch to the Marquess of Wellington, dated 16th December, 1813, said, "I was witness to the activity of Captain Le Marchant and Lieutenant Lord Charles Spencer, aides-de-camp to the lieutenant-general (Stewart)."—See *Naval and Military Magazine*, (December, 1827,) vol. 2, p. 532.

He served, in command of a battalion, the whole of the memorable campaign in Egypt, and was present at the battle of Alexandria, for which he held a medal.

At Maida, in 1806, he was lieutenant-colonel commanding the 27th regiment, and, by his coolness and presence of mind in availing himself of the discipline of his fine corps, had the good fortune to contribute materially to the success of that glorious day. The French army, far superior in numbers, was advancing at the charge upon the British, at the same time that a body of about 400 of the enemy's cavalry was attempting to pass to the rear of the British, by turning the left of their line on which flank the 27th was posted. The British had no cavalry to oppose this movement, and Lieutenant-Colonel Smith, on the instant, ordered some companies of the left wing of his regiment to wheel back towards a wood, a short distance in his rear, making it a support for his left flank, and thereby closed the open space through which the French cavalry might have passed, obliging it to make a detour through the wood, in which it was encountered by the 20th regiment, under Lieutenant-Colonel Ross, which had just landed and was on the way to join Sir John Stuart's little army. The 20th caused the cavalry to retrograde, and, while this was taking place, a general charge with the bayonet, by the whole line of the British, drove the French from the field and secured the victory. Had not the movement of the enemy been defeated, and had the cavalry succeeded in obtaining the rear of so small a force, the result might have proved far different. Sir John Stuart gave great praise to Lieutenant-Colonel Smith for this manoeuvre, and the following is the extract from the general order relating to the conduct of the corps:—

"The battalion of grenadiers and 27th regiment, under the orders of Brigadier-General Cole, made a firm and intrepid resistance against a superior force, and the manoeuvre of the 27th regiment, in throwing back a wing to receive the enemy's cavalry, was the strongest token of the excellent discipline of that corps."

"6th July, 1806."

For this battle he had also the honour of receiving a medal.

He was subsequently employed on separate commands of importance, much beyond his rank. In one instance, whilst carrying on operations against Scylla castle, a force three times his own number, and upwards of 5,000 strong, under the orders of Generals Partoureaux and Cavaignac, was sent by General Mural for the express purpose of cutting off his corps, in the face of which he was fortunate enough to effect his retreat without loss, having a few men only wounded. The following is part of a letter addressed to him on the occasion by the commander of the forces, and promulgated by General Mackenzie in orders:—

"The able and judicious manner in which your retreat was conducted, under great and evident difficulties, has a claim to my warmest approbation."

"6th July, 1809."

"J. STUART."

In 1810 he was promoted to the rank of colonel, and, as a further proof of the confidence with which he was honoured by the commander of the forces, he was selected to succeed, as brigadier-general, to the command of the Ionian Islands, which had been held by Major-General Oswald, the head-quarters being at Zante; and there, in addition to his military duties, he had to exercise a superintendence over the government of the several islands in the discharge of their civil functions, a situation afterwards held by a lieutenant-general.

In 1813 he attained the rank of major-general. He served a year on the staff, as a general officer, on the south-east coast of Spain, and was on the march to join the army under the more immediate orders of the Duke of Wellington, when the war terminated.

In 1816 he was appointed senior general officer on the staff of the Ionian Islands, of which the commander of the forces in the Mediterranean, Sir Thomas Maitland, was at that time lord high commissioner, and he proceeded to Corfu to assume his command. The same year, when Sir Thomas Maitland left for England, on leave of absence, Major-General Smith succeeded him, and became president in the commission of lord high commissioner. At this time the plague, which was raging at Corfu, broke out also in Cephalonia, and, at both places, it was

mainly owing to his extraordinary watchfulness and care that the disease was eradicated, in a space of time unprecedentedly short. While acting for the lord high commissioner, and in command of the troops, having to allay and counteract much political party spirit and intrigue, he succeeded, by the candour and firmness of his conduct, in securing the good opinion and attachment of all parties, as well as the warm approval of Sir Thomas Maitland on his return.

After suffering a considerable time under painful illness, Major-General Smith died at Corfu, in 1817, in the 44th year of his age, to the deep regret of his companions in arms, and of the community at large throughout his command, which was very strongly manifested. The lord high commissioner, in particular, publicly declared that, in all his services, through most parts of the globe, he had found no man who united, in a more eminent degree, the high qualities of the soldier with those of the civilian, than Haviland Smith. With scarcely an intermission, the years of his career in active war were passed abroad, his zeal in his duties being as remarkable as his ability.

MAJOR-GENERAL THOMAS CAREY, LATE OF H.M.'s 3^d GUARDS.

It is the legitimate boast of this free and happy island, that few spots of the same limits have produced a greater number of men distinguished in the profession of arms. Among the many gallant deeds of the islanders, recorded in these pages, the services of that estimable officer, the late Major-General Thomas Carey, are well deserving of notice.

Although few of his contemporaries shared more frequently the dangers and honours of the battle field than he did, yet as it was not his good fortune to attain that rank and position in the service, without which the lives of the best and bravest officers fail to obtain a place in the general annals of their country, he can only be regarded as one among the many gallant men whose conduct individually contributed to raise the fame of the British arms to unrivalled eminence, and deservedly earned the acknowledgment of a grateful country.

He was the sixth son of the late Mr. Carey, one of the most respectable jurats of his day, who was no less beloved for his private than honoured for his public virtues.

In January, 1794, just as he had attained the age of sixteen, young Carey obtained his first commission in H.M.'s 3^d regiment of foot guards, and joined the battalion then serving in Flanders with the army under the late Duke of York, sharing the hardships attending his royal highness's retreat through Holland during the hard winter of 1794-5. Before two years had expired, he was so fortunate as to succeed to a lieutenancy in the regiment, with the rank of captain in the army. Although he joined the regiment a perfect stranger to all its officers, and with scarcely a friend of any note in the army, the young soldier soon showed, by his steady and zealous conduct, that he was endowed with qualities calculated to bring him into honourable notice without any adventitious support; for, so early as in 1796, we find him appointed major of brigade to the troops serving in his native isle. In January, 1799, he rejoined his battalion, served with it in Ireland, and then embarked with the expedition to Holland. He was at the landing of the army under Sir Ralph Abercromby, near Camperdown, on the 27th of August, and also in the severe action fought on the 10th of September, in defending the position of the Zype, as well as in the successive battles of the 19th of September, and the 2d and 6th of October following.

During this period of active service, he was nominated to the adjutancy of his battalion; a situation important in all corps, but more especially so in the guards. To the discrimination of his commanding officer, Major-General Grenfield, a man of the highest character and merit, and one of the most rigid disciplinarians of his day, he was indebted, in the first instance, for the appointment of acting adjutant; and certainly to be selected by such a man, for a post of so much responsibility, bore high testimony to the merit of this young officer, who not only gained the approbation and friendship of his patron, but rivetted an attachment which

lasted through life. He was no less esteemed by his colonel, his royal highness the Duke of Gloucester, from whom he experienced, on every occasion, the most marked civility and attention.

It is with pleasure the writer of this brief review of Major-General Carey's services is enabled to relate an instance of the high estimation in which he early stood. The late Major-General Wynyard, then deputy adjutant-general at the horse guards, himself an old guardsman, speaking of him, observed:—"Carey is 'one of the most zealous and efficient adjutants I ever knew: there is no nonsense about him; however irksome may be the orders he receives, he sets to work, and executes them on the instant with cheerfulness and alacrity, never starting or 'thinking of a difficulty.'"

In the year following this appointment of adjutant, when a brigade of guards was formed and detached to Ireland, he was selected to accompany it as a major of brigade, in which capacity he embarked with the expedition to Egypt, and served throughout that campaign, for which he obtained the distinction of a medal. He was present at the first landing of the troops in Aboukir bay, and at the subsequent hard-fought battles of the 13th and 21st of March, on which occasion England had to deplore the loss of one of her best and bravest commanders, in the fall of the gallant Abercromby. He was likewise at the reduction of Alexandria; during this campaign he suffered, in common with many others, from a violent attack of ophthalmia, which deprived him of sight for a time, and threatened permanent blindness, but this he happily escaped. On his return to England, in 1802, he resumed the duties of adjutant, until his promotion to a company, with the rank of lieutenant-colonel, in 1803.

With this promotion, a higher sphere of service opened the road to further distinction. He was fixed upon for the responsible staff appointment of assistant adjutant-general to the forces, and as such, was employed with the army in Hanover, in 1805, as well as with the expedition to the island of Zealand, in the following year, and was present at the siege and surrender of Copenhagen.

He afterwards accompanied Sir Harry Burrard to Portugal, in the same capacity, and joining Sir Arthur Wellesley on the eve of the battle of Vimeira, he shared in that well contested action, in which he received a slight wound. He continued with the army in its advance into Spain, under Sir John Moore, and was in the retreat so marked by the privations and hardships to which the troops were unavoidably exposed, and which was followed by the battle of Corunna, in 1808. In conveying orders to the troops about to engage, he met their gallant chief on his way to the position in which he was to fight his last battle. On announcing to him that the enemy was advancing, the general replied, with a countenance brightened by the intelligence, "that is just what I have been wishing," and putting spurs to his horse, galloped to the field rendered for ever memorable by his victory and death.

On the arrival of the army in England, Colonel Carey was posted to the eastern district, as assistant adjutant-general, and thence proceeded with Lord Chatham, as his military secretary, on the expedition to the Scheldt, in 1809. He was at the reduction of the island of Walcheren, and at the siege of Flushing; and, on his return home, resumed his duties in the eastern district, under his lordship, with whom he enjoyed the most intimate and lasting friendship. Here he continued until promoted to the rank of major-general, in 1814.

Had he succeeded some years sooner to this rank, with the command of a brigade, there can be little doubt entertained that his long acquaintance with military operations, under the many different circumstances he had witnessed,* would have enabled him to tread the path of his more fortunate countrymen, and like them, to have raised his name to celebrity; but, on the return of peace, and with a severe acute disorder, contracted in the service, which paralyzed all exertion, to have sought and obtained employment would have been impossible. Thus, after having devoted the twenty best years of his life to the service of his king and

* Three sieges, eight general actions, besides minor affairs, two retreats, and two disembarkations in the face of the enemy.

country, its residue was passed in retirement, into which he carried the same amenity of manner and disposition which had raised him so many friends throughout his military career.

In the month following his promotion, the major-general married Caroline, the fourth daughter of Mr. Samuel Smith, of Woodhall park, Herts, M.P., who died soon after giving birth to a daughter, now the wife of Francis Dickinson, esq., of Kingweston, Somerset. In 1823, he married secondly, Mary, the eldest daughter of Mr. William Manning, M.P., by whom he had no issue, but whose unremitting and affectionate attentions soothed and cheered the last sickly and suffering year of his life.

Relieved from professional cares and anxiety, the serious and devout impressions which had long been gradually forming upon his mind and regulating his course, now acquired strength and solidity, and it may truly be said, that in a diligent study of the holy scriptures, in the exercise of every christian virtue, and, in devotion to his God, his conduct was most consistent and exemplary. His health, which never recovered its proper tone, gave increasing indications of the approach of that solemn scene for which he was most happily prepared, and, in the 47th year of his age, he resigned his spirit into the hands of Him who gave it, trusting in the alone merits of his Saviour, and so enjoying the full assurance of a blessed resurrection.

Thus died this excellent and pious soldier, beloved and lamented by all who knew him, as is most justly described in the following simple and beautiful lines engraven on a tablet, in Walton church, where he was buried, by his own desire, in the family vault of Mr. Samuel Smith, of Woodhall :—

"Endeared to his family and friends, by the cheerfulness of his spirit and the affection of his heart, he was no less distinguished by the indefatigable and courageous discharge of the duties of a soldier, and was respected by those under whom he served, and beloved by those he commanded. His religious opinions were formed from an unbiassed study of the word of God, which, under the aid of the Holy Spirit, proved the only means of leading him to the knowledge of himself as a sinner, and to Christ as a Saviour. This formed the basis of a religion which was his guide through life, his refuge in death, and is now his joy in eternity."

PETER CAREY TUPPER

Was fourth son of Mr. John Tupper, jurat of Guernsey. While British consul of Valencia, he highly distinguished himself during the Peninsular war, from 1808 to 1814, in encouraging the Spaniards to resist the invasion of Napoleon,* and he was for some time a member of the supreme junta of the kingdom of Valencia. His name occurs frequently in the Duke of Wellington's despatches, recently published, and the following is the conclusion of a letter written to him by his grace, dated Frenada, 25th of February, 1813 :—

"I take this opportunity of expressing my sense of the services which you have rendered to the interesting cause in which we are all engaged, in the different situations you have filled on the eastern coast of the Peninsula. I have read your account of transactions there with the utmost interest, and I sincerely wish you success."

On his return to England after the peace, he was given to understand that, for his services in the Peninsula, a baronetcy would be conferred upon him if he applied for one; but he was indifferent to title, and in the same spirit he declined a Spanish barony offered him by Ferdinand the Seventh on his restoration. A pension of £600 a year was, however, settled upon him by the British government, and he was removed to Catalonia, as a better consulship. On the second entrance of the French into Spain, in 1823, he accompanied the British ambassador, Sir William A'Court, to Cadiz, and partly owing to his services on this occasion, his youngest brother was selected by Mr. Canning as consul for Caracas, with a salary of £1,000 a year, when salaried consuls were first sent out in 1823 to South America. The subject of this notice died at Madrid, on the 13th of

* Maréchal Suchet, in his "Mémoires," vol. ii. p. 229, says :—"On saisis beaucoup d'armes, dont le consul Anglais, Tupper, avait formé des magasins, alimentant l'insurrection dans le pays, soit avec ces armes, soit avec de l'argent et des écrits."—See also *Napier's Peninsular War*, vols. I. and IV.

April, 1825, in the prime of life, while employed in that city in the commission for the settlement of the British claims on the Spanish government. During his long residence in Spain, he formed a very valuable collection of paintings and cartoons, part of which were sent to England.* The present Martin Farquhar Tupper, M.A., of Christ-church, Oxford, and the youthful talented author of *Proverbial Philosophy, &c.*, is his nephew.

THE REV. PETER PAUL DOBRÉE, M.A.,

FELLOW OF TRINITY COLLEGE, AND REGIUS PROFESSOR OF GREEK AT THE UNIVERSITY OF CAMBRIDGE.

This eminent scholar was born in Guernsey, on the 26th of June, 1782, of a family which had come from France, upon the massacre of St. Bartholemew. He was the son of the Rev. William Dobrée, rector of St. Saviour's parish, in that island, a clergyman eminent for tenderness of conscience, unaffected piety, and earnestness in the cause of religion, qualities which descended to him from his father, Mr. Peter Dobrée, merchant of the city of London, and author of a treatise on the Lord's supper, a work which has passed through many editions, evincing considerable thought and learning, and written throughout in the pious and affectionate spirit that distinguished the life of the author.

Mr. Dobrée received the early part of his education at Dr. Valpy's school, at Reading, and having been entered as a pensioner at Trinity college, Cambridge, in 1800, he took his degree of B.A., in 1804, as a senior optime. He was subsequently elected a fellow of Trinity college, an honour which he had to contest with very able competitors. The present Bishop of Gloucester, Dr. Monk, the biographer of Bentley, was another of the successful candidates at the election.

He had by this time acquired a name in the university, by his diligent attention to classical criticism. The most eminent residents there became his intimate friends, especially the celebrated Professor Porson, Mr. Blomfield, fellow of Trinity, now bishop of London, Mr. Kaye, fellow of Christ's, now bishop of Lincoln, and the late Mr. Kidd, of Trinity, editor of Horace. Their society, and the pursuit of congenial studies, attached him to the university, and he continued to reside in college until 1811, when he accompanied his relation, Mr. Topper, the consul for Valencia, into Spain. The war was then at its height, and the country presented scenes on every side which might have been expected to alarm a man of his mild disposition and retired habits. They did not, however, prevent his seeking all objects of interest within his reach. He witnessed the dreadful defeat of the Spaniards, under General Blake, in front of Valencia, by Marshal Suchet, in 1811, and but for his promptitude in penetrating the French lines before they were completed, he would have been made a prisoner on the surrender of that city, a few days afterwards. He succeeded in reaching Denia, which was almost deserted by its population, and the best accommodation he could find was in a church, which afforded an asylum to his companions and himself, until the arrival of a ship that took them to Majorca. He subsequently visited Cadiz whilst it was besieged by Marshal Soult, and he used on his return home to display, with some exultation, a fine edition of Plato by Servanus, and the folio Stephani Thesaurus, the spoils of an Andalusian monastery, which he had obtained at a very moderate price from a bookseller who was in constant apprehension of seeing his stock in trade fall into the hands of the French.

On his return from Spain, he entered into holy orders, but did not take a cure. The remainder of his life was passed in his college, with occasional excursions on the continent, chiefly for literary objects, during which he acquired the friendship of many of the most illustrious foreign scholars. Millai, Boissonade, and Comy, at Paris, and Thiersch, at Munich, were among those with whom he lived upon very familiar terms. The best foreign libraries were liberally opened to him, and he collected there a variety of Greek manuscripts. Such was his taste for this pursuit, that he was once on the point of going as far as Venice, merely to collate a

* See *Penny Magazine*, vol. i. p. 356, and vol. ii. p. 77.

manuscript of Athenæus, praised by Schweighauser. The fruits of his labours abroad were diligently considered at home, and he thus collected a store of most valuable criticism. He contributed to the periodicals of the day, and amongst other writings of that description, he had a share in the celebrated article in the *Edinburgh Review*, by Bishop Blomfield, on Butler's *Æschylus*, he being indeed "the learned friend" to whom the author acknowledges his obligations at the close of the article. The *Classical Journal* for September, 1824, likewise contained his "Greek inscriptions from the marbles in the library of Trinity college, Cambridge,"—a small work, afterwards published separately. It was not until 1820 that he gave his name to any of his publications. In that year appeared his "*Porsoni Aristophanica*,"* containing the text of *Plutus*, with notes on *Aristophanes*, by Porson and himself. This work established his character as a scholar throughout Europe. In 1822, he published his "*Lexicon of Photius*," from a transcript by Professor Porson. A similar work had been edited at Leipsic not long before by Professor Herman, but it is generally regarded as inferior to that of Dobrée. In the following year he succeeded the present Bishop of Gloucester as regius professor of Greek—an office which, he used to mention with pride, had been held by another native of Guernsey, the learned Dr. Du Port.†

He did not long enjoy these honours, for in September, 1825, he was seized with the cholera, which then prevailed at Cambridge, and soon became in imminent danger. Conscious of his approaching dissolution, he showed no alarm, but having first desired that a fellow-collegian, whom he believed anxious to obtain a living which he had thought of accepting, should be apprized of his state, in order that the other might have the earliest opportunity of obtaining the preferment, he awaited the result of the disease with the calmness of a christian philosopher. On the 24th of September he expired, and was buried in the chapel of Trinity college, where a monument has since been erected to his memory, with the following inscription, by his friend, the present Bishop of Lincoln:—

M. S.

Viri Reverendi PETRI PAULI DOBRÉE, A.M.
Ex insulâ Guernsey oriundi,
Collegii hujus SS. Trinitatis Socii,
Et Græcæ Linguae in hac Academiâ Professoris Regii.
Vir erat probus, candidus, simplex,
A fastu omni ac furo alienissimus,
Sermone comis, animo æquabilis ac lenis,
Ita tamen ut facillè commoveretur,
Si vel patriæ vel singulorum jura in discrimen putaret adduci.
Ad has virtutes accesserunt ingenium acutum, judicium sanum,
Indefessa pro valetudine industria,
Magna philosophiæ morali ac theologiæ,
Maxima literarum Latinarum ac Græcarum peritia;
Tanta in corruptis veterum autorum locis
Detegendis sagacitas, emendandis felicitas,
Ut Porsoni, cujus in familiaritate intimè erat versatus,
Immaturâ morte præreptus est A.D. MDCCCXXV. ætatis XLIII.
Soror unica poni curavit.

In 1831, a collection of his remarks on classical writers was published by his successor regius professor of Greek, Dr. Scholefield, under the title of "*Dobreei Adversaria*."

The publications of Professor Dobrée convey a very inadequate idea of the extent of his powers. His extreme fastidiousness, and his indifference to fame, caused him to shrink from authorship. Devoted to the acquirement of knowledge, which he cultivated for its own sake, and not for the applause it yields, and possessing at the same time the native modesty of genius, it was only through the

* The title of this work is, "*Ricardi Porsoni note in Aristophanem, quibus Platum Comœdiam partim ex ejusdem Recensione, partim e Manuscriptis emendatam et variis Lectionibus instructam præmisit, et Collationum Appendicem adjecit P. P. Dobrée, A.M., Collegii SS. Trinitatis Socius, et Græcarum Literarum apud Cantab. Professor Regius.*"

† Guernsey gave, in the eighteenth century, a professor also to the university of Oxford. Dr. William De Beauvoir, of Pembroke college, was elected professor of medicine in 1729, and died the year following. In his funeral sermon, the preacher observed that, "like the beautiful lily of his native island, he had flourished among them but one year."

importance of friends that he was induced to send any of his papers to the press. His hours were passed in laborious investigation and patient study,—the only means, as he well knew, of arriving at the true reading of the classical authors. All mere ingenuity in correcting and improving the received text, which, unless based upon sound principles of criticism, serves only to mislead while it dazzles, he utterly despised. The path he pursued was a different one. His object was to ascertain what the Greeks had written, not what they might or should have written. It will readily be conceived, therefore, that German critics found no favour with him. Indeed, he was at no pains to conceal his entire disapproval of that school, and spoke of Böckle's *Sophocles*, and Schulz's *Æschylus*, especially the latter, in terms of indignant censure. Notwithstanding these opinions, which were well known, he bore a very high reputation in Germany, and Professor Welcker, of Bonn, the first Greek scholar in Europe, spoke of him to a Guernseyman, who happened to pass a short time at the university, in terms of warm admiration. Had he lived to complete his long projected edition of Demosthenes—his magnum opus—he would have left an imperishable monument of his genius, such as must have silenced all detractors. Unhappily he left it incomplete, and its merit can only be imperfectly appreciated from the fragments which have been made public.

It is only just to add, that he was more than a classical scholar. He had read deeply in metaphysics, and was well acquainted with modern literature.

This sketch cannot be concluded without observing, that Professor Dobrée was passionately attached to his native island. He often regretted not having settled on his patrimony at the Grange, and to be a Guernseyman was a sure passport to his kind consideration. He prided himself on speaking the dialect of the island with correctness, and at one time contemplated a work upon it. He had all the simplicity characteristic of the Guernseyman of the last century, and was, in an eminent degree, warm hearted and honourable.

The professor never married, and his estate and property descended, on his death, to his only sister, the wife of Mr. John Carey, late king's receiver-general of the island.

The character of the late Professor Dobrée has been exquisitely drawn up by the Rev. J. A. Jeremie, fellow of Trinity college, Cambridge, and vice-principal of Haysbury college, who, from long personal and intimate acquaintance, was enabled to appreciate the friend whom he so worthily commemorates. Every native of this island must feel a proud satisfaction at seeing a Guernseyman of such distinguished abilities as the professor portrayed by another Guernseyman of similar tastes, learning, and genius. The passage is to be met with in a "Commemoration sermon, preached in the chapel of Trinity college, Cambridge, December 16, 1834." It would be unpardonable not to insert it here. All who know how to estimate English composition will admire its beauty, and all who knew Professor Dobrée will acknowledge its truth. After saying that the task of commemorating the worthies of Trinity college has been performed by those whose eloquence and rich endowments entitled them to assume it, Mr. Jeremie adds:—

"But I would pause for a moment at the name of him who filled the chair of Porson, and who now rests by the side of his grave—similar, alike, in his affections and pursuits; in the peculiar cast and power of his genius; in the nobler features of his moral character; and but too similar in his untimely death. The memorial which adorns these walls was traced by a friendly hand; but with singular precision and fidelity. It has touched upon his distinguishing qualities—his modesty, his candour, his gentleness, his inflexible love of truth, his unfeigned contempt for all which bordered upon artifice and meanness, and, above all, that childlike simplicity of heart, of which 'the noblest natures are ever found to have the largest share.' If ever it could be said of any man, it might indeed be said of him, that he loved learning *for itself*, and that it never entered into his mind to consider it as subservient to any worldly advantage or reward. Year after year, in tranquillity and content, he pursued his unobtrusive course, examining with patient industry the most intricate questions of metaphysical research, and increasing the vast stores of his varied erudition. The results of these labours, which a too sensitive confidence, increased by the languor of sickness, long withheld from the public, were ever made accessible to the humblest inquirer, with a delicacy and a kindness of manner which imparted a double value to the gift. Nor was this the only circumstance which enhanced the benefit of his advice and assistance. Full of life and freedom of conception, his conversation was strongly marked by the attractions of novelty; yet, perfectly exempt from controversial display, and far above the petty arts of pretension

and management, he never urged an argument, never uttered a sentiment, which did not flow from the most sincere and entire conviction. And it was the implicit feeling of this scrupulous veracity, no less than the knowledge of the care and accuracy of his inquiries, and of the exquisite tact and penetration of his judgment, which, on all points of literary dispute, gave that decided weight to his opinions, which intellectual authority alone is unable to command. It is in the nature of his peculiar pursuits, that, as they seem to have no direct tendency to affect the passions and interests of society, their real worth and difficulty are faintly and partially appreciated. But, in the seats where Bentley presided, a juster estimate is naturally formed: and many there were, who hoped, with no common ardour, that he would accomplish that work which he had long purposed, and for which he was eminently fitted—that it would be his lot to meet the wants, and to direct the studies, of our younger scholars—to set before them the great object and extent of ancient knowledge—to refer them to the purest, sometimes the less-explored, sources of classic excellence—and, more especially, to point out the true principles of critical analysis, and, in the practical application of those principles, not merely to detect for them, amidst innumerable corruptions, the exact words, but, out of an immense variety of conflicting interpretations, to disentangle and fix upon the real scope and meaning, of the ancient masters of philosophy and eloquence. These hopes have been extinguished by a death, to all of us calamitous;—to me, so deeply so, that every day seems to sharpen and renew the impressions of regret. But even death has given fresh evidence of his devoted attachment to this college: and he, whom we lately reckoned among its living ornaments, is added to the list of its departed benefactors."

LIEUTENANT E. W. TUPPER, R.N.

This officer, third son of John E. Tupper, by Elizabeth Brock, his wife, was educated at Harrow, and commenced his naval career in 1810, in the *Victory*, of 110 guns, under the care and patronage of the late Lord De Saumarez, with whom he continued some time in the Baltic. He served on the American coast during the latter part of the war, in the *Asia*, 74, and was present at the disastrous attack of New Orleans, in January, 1815, forming one of a party landed from the fleet, to co-operate with the army. On the night of the storm, this party, in conjunction with the 85th light infantry, attacked some fortified works on the right bank of the Mississippi, and were completely successful; but the failure of the main assault rendered this success unavailing. In the same year he joined the flag ship of Sir Thomas Fremantle, who, having been an intimate friend of his late uncle, Sir Isaac Brock, kindly assured him of his influence and support; but peace taking place before he had attained the requisite age for promotion, all the bright prospects, with which he entered the service, were blighted. In November, 1817, on his return in the *Active* frigate, Captain Philip Carteret, from the Jamaica station, he passed at the naval college at Portsmouth, and was one of four midshipmen complimented as having undergone a superior examination. In 1823, he was appointed to the *Revenge*, Sir Harry Neale's flag ship, in the Mediterranean, and placed on the admiralty list for advancement. Early in 1826, he was at length promoted into the *Seringapatam* frigate, but Sir John Pechell, under whom he had previously served for a short time, prevailed upon the admiral to transfer him to his own ship, the *Sybilie*, of 48 guns, "a crack frigate," in a high state of discipline, the crew of which was remarkable for its skill in gunnery.

The *Sybilie* was at Alexandria, when intelligence arrived there of the plunder of a Maltese vessel, under atrocious circumstances, by a nest of Greek pirates, on the southern coast of Candia. Sir John Pechell set sail immediately in quest of the delinquents. On Sunday, the 18th of June, 1826, at daylight, two misticoes were observed under sail, near Cape Matala, standing towards the frigate, but on discovering their mistake, they made for the land, and were followed by the *Sybilie*, into a narrow creek formed by a rocky islet, and the mainland of Candia. On this island were posted armed Greeks, the crews of three or four piratical misticoes at anchor in the creek, and in a desperate attempt to cut out these misticoes, with the boats, Midshipman J. M. Knox and twelve men were killed, and the first lieutenant, Gordon, dangerously; Lieut. Tupper, mortally; Midshipmen William Edmonstone and Robert Lees, both very severely; and twenty-seven men were wounded, of whom five died in a few days. Two of the misticoes were afterwards sunk, and many of the pirates were killed and wounded by the frigate's guns.*

* See *United Service Journal*, March 1841, pp. 332-3.

Lieut. Tupper commanded the launch, and although severely wounded in three places, he stood up the whole time, and retained the command of her until he returned to the ship. The bullet, which proved fatal, entered his right breast, and was extracted from under the skin over the false ribs. He lingered until the 26th June, when he breathed his last, in a state of delirium, on board the *Sybil*, at Malta, where his remains were interred, and a monument was erected to his memory by his captain and messmates.

The surgeon, in a letter to the family in Guernsey, wrote of Lieut. Tupper :—

"When I first saw him he was firm and cool. He asked me to give my opinion without reserve, and knowing him to be possessed of great fortitude, I told him that the wound in the chest was of a most dangerous nature, but not necessarily fatal. He had by this time lost a great deal of blood, but the internal hemorrhage, though the most alarming, was slight. He remained so low for three days, that it was expected he would have sunk, though he still continued collected and firm. On the fourth day he rallied, his pulse became more distinct, and he evidently encouraged hopes. Need I say that I felt myself incapable of destroying them.—indeed I was not altogether without hope myself. The principal danger was from hemorrhage upon the separation of the sloughs, and my fears were fully verified, for on the 25th, at noon, it commenced and increased internally, until his lungs could no longer perform their functions, and he died at about three o'clock, on the morning of the 26th. During the whole time he was resigned, evincing the greatest strength of mind. . . . As it was with undeligned sorrow that I saw a fine and gallant young man fall a victim to such a cause, so it was with admiration that I witnessed his heroic bearing when the excitement was past, and hope itself was almost fled. I have seen many support their business amidst danger and death, but it belongs to few to sustain it during protracted suffering, which is indeed a trial often too severe for the bravest, but through which your lamented brother came with a spirit and resignation which reflected lustre upon himself and family, and endeared him to all his shipmates."

COLONEL WILLIAM DE VIC TUPPER.

This highly gifted young man was a brother of the subject of the preceding memoir, their father having had ten sons and three daughters. Having received an excellent education in England, partly under a private tutor, and completed it at a college in Paris, every interest the family possessed was anxiously exerted to indulge his wish of entering the British army; but owing to the great reductions made after the peace of 1815, he was unable to obtain a commission, even by purchase. Thus cruelly disappointed, he spent two or three years in Catalonia, but the profession of arms continuing his ruling passion, he proceeded, in 1821, to Chile, then struggling for her independence. There his appearance and manners, and a perfect knowledge of three languages, English, French, and Spanish, soon procured him active military employment. In a necessarily brief notice, it is utterly impossible to detail the services of young Tupper in the land of his unhappy adoption, and it must, therefore, suffice to say that he displayed the greatest talent and bravery, first against the Spaniards, and after their subjugation, in the civil wars which ensued. He was drawn into the latter, when, in 1829, part of the troops, under General Prieto, attempted to subvert the existing authorities, because, as he wrote, he "considered that no free government or orderly state "could exist an hour if the military were once allowed to throw the sword into the "scale, and decide points of legislation by the force of arms." In a battle fought near the capital, Santiago, the rebel troops were defeated, but Prieto gained that by treachery, which he could not effect by the sword; and when Colonel Tupper resigned in disgust, the earnest entreaties of his old commander, General Freire, unfortunately induced him to accept the government of Coquimbo, which step soon after compelled him to resume the command of his regiment. The rival forces, after several partial conflicts, met again at Lircay, near Talca, on the 17th of April, 1830; and Freire, although deficient both in cavalry and artillery, having most unaccountably sought battle in a vast plain, was routed after an action of several hours, with great slaughter. When all was lost, Colonel Tupper escaped from the field with a slight wound, but he was pursued, overtaken, and "sacrificed to the fears of Prieto, who justly considered him the sword and "backler of the irresolute and vacillating Freire." He was pronounced by an English traveller, as "the handsomest man he had ever seen in either hemisphere,"

and undoubtedly his tall, athletic, and beautifully proportioned person, his almost Herculean strength, the elegance of his manners, and his impetuous valour in battle, gave the impression rather of a royal knight of chivalry, than of a republican soldier.* The influence and popularity which in a few short years he acquired in his adopted country, by his own unaided exertions, and under the many disadvantages of being a stranger in a strange land, best prove that his talents were of the first order, and that he was no common character. And that affection may not be supposed to have dictated this eulogium, the following impartial testimonies of its correctness are appended, in justice to the memory of one whom a combination of cruel circumstances drove to a distant land to shed that blood, and to yield that life, which he had in vain sought to devote to his own country.

An English gentleman, of ancient family, and author of travels in South America, who knew Colonel Tupper intimately, thus wrote of him :—

"He was certainly one of the finest fellows I ever knew,—one of those beings whose meteor-like flame traverses our path, and leaves an imperishable recollection of its brilliancy." * * * I have often held him up as an example to be followed of scrupulous exactness, and of a probity, I fear, alas! too uncompromising in these corrupt times."

The American *chargé d'affaires* and consul-general in Chile, said, in a letter to Captain P. P. King, then of H.M.S. *Adventure*, both strangers to the family—

"The heroism displayed by Tupper surpassed the prowess of any individual that I ever heard of in battle; but, poor fellow! he was horribly dealt with after getting away with another officer. A party of cavalry and Indians was sent in pursuit, and they boast that poor Tupper was cut to pieces. They seemed to be more in terror of him, on account of his personal bravery and popularity, than of all the others. Guernsey has cause to be proud of so great a hero,—a hero he truly was, for nature made him one."

And one of the British consuls in Chile, wrote :—

"I trust you will believe that any member of the family of Colonel Tupper, who may require such services as I am at liberty to offer, will be always esteemed by one who, for many years, has looked upon his gallant and honourable conduct as reflecting lustre upon the English name in these new and distant states."

An anonymous French traveller, who published in a Paris newspaper, *Le Semeur*, of the 4th April, 1832, his "*Souvenir d'un séjour au Chili*," thus expressed himself :—

"Les Chiliens sont jaloux des étrangers qui prennent du service chez eux, et il est assez naturel qu'ils le soient, quoiqu'on ne puisse nier qu'ils aient de grandes obligations à plusieurs de ceux qui ont fait Chili leur patrie adoptive. Depuis mon retour en Europe, un de ces hommes, digne d'une haute estime, a cessé de vivre. Je veux parler du Colonel Tupper, qui a été fait prisonnier à la tête de son régiment, et qui, après avoir été tenu, pendant une heure, dans l'incertitude sur son sort, fut cruellement mis à mort par les ennemis. Le Colonel Tupper était un homme d'une grande bravoure et d'un esprit éclairé; ses formes étaient athlétiques, et l'expression de sa physionomie pleine de franchise. Il se serait distingué partout où il aurait été employé, et dans quelque situation qu'il eût été placé. N'est-il pas déplorable que de tels hommes en soient réduits à se consacrer à une cause étrangère?"

And in a pamphlet published at Lima, in 1831, by General Freire, in exposition of his conduct during the civil war in Chile, 1829-30, is the following extract translated from the Spanish :—

"It does not enter into my plan to justify the strategic movements which preceded the battle of Lircay. The disproportion between the contending forces was excessive. Neither tactics nor prodigies of valour could avail against this immense disadvantage. The liberals were routed. Would that I could throw a veil, not over a conquest which proves neither courage nor talent in the conqueror, but over the horrid cruelties which succeeded the battle. The most furious savages, the most unprincipled bandits would have been ashamed to execute the orders which the rebel army received from Prieto, and yet which were executed with mournful fidelity. Tupper—illustrious shade of the bravest of soldiers, of the most estimable of men; shade of a hero to whom Greece and Rome would have erected statues—your dreadful assassination will be avenged. If there be no visible punishment for your murderer, Divine vengeance will overtake him. It will demand an account of that infamous sentence pronounced against all strangers by a man who at that time was the pupil and the tool of a vagabond stranger;† indebted for his elevation and his bread to the generosity of Chile."

* When he left Europe, in 1821, he was generally thought to bear a striking resemblance to his maternal uncle, Sir Isaac Brock, at the same age. In height he was about six feet two inches, and his figure was a perfect model of strength and symmetry.

† General Prieto.

‡ Garrido, a Spanish renegade.

JOHN MACCULLOCH, M.D., F.R.S., F.L.S., F.G.S., &c., &c., &c.

Dr. John MacCulloch was born in Guernsey, on the 6th of October, 1773. He was descended from an ancient Scottish family, who possessed considerable property in Galloway, but who had suffered much from their attachment to the cause of the covenant, and their opposition to the tyranny of Charles the Second. He was the third son of Mr. James MacCulloch, a gentleman who was loved and respected by all who knew him, and Elizabeth, daughter of Mr. Thomas De Lisle, of Smith-street, one of the jurats of the royal court of Guernsey.

In his childhood, Dr. MacCulloch was thoughtful and fond of being alone. He seldom played with other children, but when the hours of study were over, was in the habit of going into a room which his father, who was a man of scientific and literary attainments, and a good mechanic, allowed him to call his own, and the door of which he contrived to fasten with a large bent needle in such a manner as to prevent his brothers entering. Here he amused himself by drawing, carving various articles in wood and cocoa-nut shell; and, at a very early period, in attempts to make gunpowder, and, after he had effected that, in manufacturing fireworks. His family was at this time residing in Cornwall, and the first school he was sent to was the grammar school at Plympton. He was afterwards removed to one at Penzance; and thence, in 1787, to the grammar school at Lostwithiel, where he remained three years, and where his talents seem to have been appreciated by the master.

In 1790, he went to prosecute his medical studies at Edinburgh, where he obtained his diploma of physician, at the age of eighteen, being the youngest man who had ever passed the examination, which was then very severe. He subsequently entered the artillery as assistant-surgeon, and on the 5th of April, 1803, accepted the situation of chemist to the board of ordnance. In 1807, he resided at Blackheath, where he practised as a physician.

About the year 1811, he was engaged by government to make various surveys in Scotland. He in consequence gave up his practice, which he never regularly resumed, although he was frequently consulted. The first business on which he was employed in Scotland, was in a search for stones adapted to the use of the government powder mills. The second was an examination of the principal mountains, with a view to the repetition of the experiments which had been made at Schehallian on the density of the earth. The third had for its object the correction of the deviations of the plumb-line on the meridian of the trigonometrical survey. Whilst he was making these surveys, he also employed himself in geological observations, and in collecting materials for a mineralogical map, as well for his own amusement and instruction, as with the hope that they would become useful to the country at some future time. In 1826, he was desired by government to complete the work he had thus begun; and this was the commencement of the last great public work in which he was employed—the mineralogical and geological survey in Scotland, which was continued every summer from 1826 to 1832, when he completed it. During the winters of these years he put in order the observations made in the summer, drew sections, prepared the map, &c. This gigantic work, the labour of one individual, has never been surpassed by any undertaking of a similar nature.

While thus actively engaged, Dr. MacCulloch still found time to publish, between the years 1819 and 1831, several works, the result principally of his labours in Scotland. Two are on geology, three on subjects more exclusively connected with the country in which he was labouring. He also published a treatise on the art of making wines, which reached a fourth edition; and, though unable to follow up the practice of his profession, never lost sight of it, the proofs of which we have in two elaborate works, one on malaria, the other on remittent and intermittent diseases. He contributed many papers to Brewster's *Edinburgh Encyclopædia*, and Brande's *Philosophical Journal*. He published many articles in the *Transactions of the Geological Society*, and wrote frequently in the *Edinburgh and Westminster Reviews*, and in the *London and New Monthly Magazine*.

Dr. MacCulloch's writings contain internal evidence that they must have

resulted from deep thought, based on an intimate knowledge of the subjects he treated of. The acquisition of this knowledge was gained by intense study, aided by a wonderfully retentive memory. The variety of his acquirements was not less remarkable than their extent. Allusion has been already made to his knowledge of medicine, geology, mineralogy, chemistry, and trigonometry. He was also well acquainted with theology, astronomy, zoology, botany, physics, and the mechanical arts. He was skilled in architecture. He drew well, and has left an immense number of drawings. He was a good musician, and his musical compositions show that he was conversant with the theory as well as with the practice of the science. His accomplishments, as they are called, were cultivated at times which many persons pass without employment. His drawings were done while others were employed in walking or riding. His flowers and herbs were examined, dried, and painted before breakfast in the long summer mornings. When he used to practise music, he did so during the twilight hours. In short, no portion of his time was unoccupied. And the magnitude of his labours appears still more remarkable, from the fact that for many years he was, for a longer or shorter period every year, afflicted most severely by the effects of malaria.

He completed, in 1830, a work entitled "Proofs and Illustrations of the Attributes of God, from the Facts and Laws of the Physical Universe; being the Foundation of Natural and Revealed Religion." It was intended for publication in the following year; but its appearance was delayed by the announcement of the Bridgewater Treatises. In obedience to his last will, it was published in 1837, in 3 vols. 8vo.

Dr. MacCulloch was fellow of the Royal, Linnean, and Geological societies, and at one time vice-president of the last. In 1820, he was appointed physician in ordinary to Prince Leopold of Saxe-Cobourg. For some years, and till his death, he filled the situation of lecturer on chemistry and geology, at the East India company's establishment, at Addiscombe.

He married, in the summer of 1835, Miss White, whose family at one time resided near Addiscombe. He was with her in Cornwall, on a visit to his old friend, the Rev. John Buller, of St. Just, when the accident occurred which led to his death, on the 21st August, 1835. He was thrown out of a pony phaeton, by which, in addition to other injuries, his right leg was so shattered that amputation became necessary. The firmness and calmness of his mind, and his entire resignation to the will of God, were manifested during the operation. From time to time he asked questions of the surgeons, and even gave them directions. He, however, only survived the operation a few hours. He was buried in the churchyard of Gulval, a village near Penzance, in which his father had resided, at one period of his life, for some years.

CAPTAIN WILLIAM LE MESURIER TUPPER, 23^d ROYAL WELSH FUSILIERS,

LATE COLONEL IN THE BRITISH AUXILIARY LEGION IN SPAIN.

This gallant officer entered the British army by purchase, as a second lieutenant in the 23^d, or royal Welsh fusiliers, on the 4th of September, 1823, and on the 1st of August, 1826, obtained an unattached company, also by purchase, being immediately re-appointed to the 23^d by paying the difference. Thus, in less than three years, he attained the command of a company in this distinguished regiment. He spent the nine succeeding years chiefly with his regiment, in garrison at Gibraltar, accompanying it in the expedition to Portugal in 1827, under Sir William Clinton. Early in 1835, Captain Tupper, whose reckless feats of daring will long be remembered at Gibraltar, returned with the 23^d to England, and soon after an order in council was issued, permitting and encouraging British subjects to enter the service of the young queen of Spain, whose government had been unable to suppress an insurrection in favour of her uncle, Don Carlos, in the northern provinces. Disappointed in his wish of purchasing an unattached majority, as there was no early prospect of his obtaining one in the 23^d, and tired of the inactivity of a gar-

rison life, Captain Tupper was unhappily induced, in conjunction with other British officers,* to exchange on half-pay, and to accept of promotion in the British Auxiliary Legion, then raising, to be composed of ten thousand men, and commanded by Lieutenant-Colonel Evans, M.P. for Westminster, with the rank of lieutenant-general. Disinterested almost to a fault, and possessed of an independent private fortune, Captain Tupper could have no other motive in joining the legion than that of seeing service and of acquiring distinction at the head of a regiment.

Lieut.-Colonel Tupper was at once appointed to command the 6th, or Scotch Grenadiers, which regiment was raised in Glasgow, and whence he proceeded, in August 1835, with the first division of nearly four hundred men, in a large steamer to Santander, touching at Falmouth for coals and water. From Santander he was almost immediately detached to Portugalette, a small town at the mouth of the river leading to Bilbao, and which was then threatened by the Carlists. Here he animated his young troops by his conduct and example, exposing himself on every occasion with the utmost fearlessness. Bilbao itself being at this time closely invested by the insurgents, the 6th accompanied the greater part of the legion thither, Lieut.-General Evans having been urgently requested by the governor of that important town to effect its relief. A few days after their arrival, a division of the Queen's Spanish troops left Bilbao to join the army of the Ebro, under General Cordova, and, being attacked by the enemy double their number, under Don Carlos in person, were compelled to return in the greatest disorder. The Carlists pursued them close to the town, and, passing a bridge, menaced the garrison, when the 3d and 6th regiments of the legion advanced in column, drove the enemy back across the bridge, and successfully terminated the affair.

Having covered the construction of some new works round Bilbao, the British legion marched from that town on the 30th October, for the purpose also of joining the army under General Cordova. The Carlists in force endeavoured to prevent this junction, but it was effected at Briviesca on the 8th November, after many long circuitous marches, during which the stragglers, when taken, were shot without mercy. The legion arrived at Vittoria early in December, and remained there, or in the vicinity, during a very rigorous winter, hundreds, as is well known, falling victims to an epidemic fever arising from every possible privation. In January, the legion co-operated, as a detached corps, with the Spanish army in an attack on the Carlists in the neighbouring mountains; but after a trifling engagement and a bivouac of three frosty nights, mercilessly cold, the British returned disappointed and discontented to Vittoria, the allies under General Cordova having previously sustained some check, and retreated.

In the spring of 1836, the town of San Sebastian was vigorously blockaded by the Carlists, who had been for some months employed in fortifying the adjoining heights, and the legion was detached to its relief. The health of Brigadier-General Reid, who commanded the light brigade, consisting of the rifles, 3d, and 6th regiments, having suffered from fever, he was succeeded by Colonel Tupper, who left Vittoria for Santander on the 12th April, in command of the brigade, the other brigades, with General Evans, following on the succeeding days. The light brigade arrived at San Sebastian on the 22d April, and the British were received there with every demonstration of joy. The following is an extract from a long private letter, published in the *Courier* of the 9th May :—

" *San Sebastian, April 29.*—Lieut.-Colonel Tupper, of the 6th regiment, from the high state of discipline of his corps, has been promoted to the rank of colonel; he commands, *ad interim*, the light brigade, two thousand strong, composed of the finest and most efficient men in the legion. Much is expected from the *en avant* dashing character of this officer. Before the expiration of a week a blow will be struck. Notwithstanding the strength of the enemy's lines, and the difficult nature of the country, I have no fears as to the result."

Brigadier-General Reid, however, reached San Sebastian, and resumed the com-

* Of the ten officers on full pay of the British army (including one of engineers and one of artillery,) who joined the legion, the only two killed in Spain were Guernseyman, viz., Col. Tupper, and Col. Oliver De Lancey, captain of the 66th or king's rifles, who was mortally wounded at the head of his regiment near San Sebastian, 15th March 1837, and died the 23d.

mand of the light brigade, before any attempt was made to dislodge the Carlists from their triple line of defences near that town. The greater part of the legion having arrived, General Evans decided to attack at daybreak on the 5th May, and the three brigades marched out in silence during the night, for that purpose. To the light brigade was assigned the assault of the enemy's right and centre. From want of space, the notice of the deadly combat which ensued must necessarily be limited chiefly to the part taken in it by the Scotch grenadiers. The first line was carried, but the second presented such formidable obstacles, and was so obstinately defended, that the three brigades were everywhere repulsed with great slaughter, particularly of officers. On this sanguinary day, the 6th,* having already suffered severely from the fire of a battery of three guns, moved along a high road, hoping to break the centre of the enemy's line; they advanced about fifty yards *au pas de charge*, but, on reaching an angle, were assailed by a dreadful fire of musketry from a wall built across the road and from two large houses, with five tiers of loop-holes, which flanked the parapet on either side. Colonel Tupper, who now had his left shoulder shattered by a bullet, and his gallant major, Ross,† urged the men to make one dash; but they recoiled with horror from the walls of living fire, and retreated to the shelter they had just left, where they were rallied and reformed. A breach was at length effected in a redoubt to the left, by shells thrown from the *Phoenix*, steamer; and two regiments, the 4th and 8th of the legion, having most opportunely arrived, during the battle, from Santander, they were instantly landed and led to the attack of the breach, which they carried, the leading company being commanded by the truly gallant Captain John Allez, a native of Guernsey, who fell covered with wounds. While this attack on the enemy's left was in progress, Colonel Tupper sprang forward, and headed his regiment in an assault of the entrenchments on the right. Advancing under a heavy fire, he received another wound in the left arm, and a severe contusion in the side, but pushed on, sword in hand, until a bullet pierced his *schako*, and entering the right temple, lodged in the brain. Another bullet had previously perforated his *schako* near the top. Thus the presentiment, which he had long entertained that he should fall in the first serious affair, was unhappily accomplished, and thus the wish which he had often expressed of dying in battle, was too fatally realized. He appears to have commanded the brigade in the last attack, Brigadier-General Reid having been previously wounded, and his regiment had nine officers and about a hundred men killed and wounded.

When it was known in Guernsey that the British legion had attacked and carried the Carlist lines after a severe loss, the general impression was that Colonel Tupper had fallen, so responsive was the prediction mentioned in the *Times*,—a prediction emanating from his well known daring and devotion. When the prediction was verified, but one feeling of sympathy and regret was expressed in the island for the gallant victim; and his brother officers of the 23d evinced the same feeling, by going in a body into mourning.

Notwithstanding that the bullet had penetrated half an inch into the brain, and could not be extracted, Colonel Tupper survived eight days, during the greater part of which he was sensible, and spoke of his approaching dissolution with the utmost composure and fortitude. He suffered at first great pain from the contusion in the side, and at last from the wound in the temple, from which a small detached fragment of the bullet was extracted the day previous to his decease.

Colonel Tupper was a tall and very handsome young man, muscular and well proportioned, and on the 1st May had completed his thirty-second year, although in appearance he was considerably younger.

The favourable opinion entertained of him by his companions in arms will be

* The late Ensign Walter Carey, of the 15th regiment of foot, a native of Guernsey, and a very fine young man, who unhappily perished in the conflagration of the barracks at Chambly, Lower Canada, 19th of October, 1838, was a lieutenant in the 6th regiment in the battle of the 5th of May, near San Sebastian, and the cross of San Fernando was conferred on him for his gallantry on that day.

† Major Ross had long been lieutenant of Captain Tupper's company in the 23d, and the two officers, who were warmly attached, entered the legion at the same time.

seen by the following extracts from the London newspapers of the day, the more impartial as the names of the authors were not mentioned, and are quite unknown to the family :—

"*San Sebastian, May 15.*—On Friday, Colonel Tupper, who received a musket shot in the head, whilst most gallantly encouraging his regiment, the 6th (Scotch), to the attack in the action of the 5th instant, breathed his last. From the nature of the wound, the ball having entered the forehead and come out behind the ear, little, if any, hopes were entertained of his recovery. On his skull being opened after death, a large fragment of the bullet was found imbedded in the brain. Yesterday he was buried with all due military honours, his own regiment preceding the coffin, whilst detachments from all the others followed it. In the procession were General Evans and his staff, and nearly all the officers of the legion; all the civil, military, and naval authorities of the town, and the captains of the British and Spanish war-steamers that were in the port, the French consul, &c. Colonel Tupper was a man of the most daring courage, and an excellent officer. Though his loss is deeply regretted, yet his death may be said to have been expected, as almost every one who saw him, and amongst those the Spanish officers at Vittoria, prophesied that he would fall in the first serious affair in which he should be engaged."—*Times*, May 23.

"*Head Quarters, San Sebastian, May 15, 1836.*—The remains of the lamented Colonel Tupper, who expired on the previous day, from the severe wounds he received in the action of the 5th instant, were yesterday consigned to the grave. He was buried on the spot where he received his mortal wound, in front of the formidable redoubt which his gallantry so mainly contributed in carrying.

"The news of his death pealed like a knell upon the ears of the legion; but one feeling appeared to pervade both Spanish and English—a feeling of deep regret, and an amiable desire to pay the last tribute of respect to his remains.

"At twelve o'clock precisely the procession moved off in the following order :—

A firing party of the 6th regiment, commanded by Lieutenant-Colonel Ross.		
A Spanish Band.		
The Horse of the deceased.		
Pall Bearers.	THE BODY.	Pall Bearers.
Colonel Colquhoun.		Colonel Godfrey.
Lieut.-Colonel Churchill.		Colonel M. Ross.
Mourners.		Mourners.
Inspectors-General of	Chief Mourner.	Deputy Inspectors-Gen.
Hospitals.	Adjutant-General.	of Hospitals.
Dr. Culloden.	Brigadier-Gen. Le Marchant.	R. Alcock, K.T.S.
Dr. Dicker.		Dr. Wilkinson.

The remainder of the 6th regiment.

A detachment of artillery.

Officers, Spanish and English, in funeral order.

The Lieutenant-General.

Accompanied by the Spanish Governor, Members of the Ayuntamiento, Colonel Wyde, (his Britannic Majesty's Commissioner,) the French Consul, Captain Henderson, and the Officers of his Majesty's ship *Phoenix*.

"Nothing could exceed the staid and respectful demeanour of the population of San Sebastian on this mournful occasion. The streets through which the procession moved—the road, even as far as the spot where he fell—were lined with people, who were anxious to pay the last compliment to the remains of the gallant soldier, who had, in the very noon-tide of manhood, fallen in their defence. When the procession did reach the fatal spot, where fell one of the brightest ornaments of the legion, it would require the pen of a Scott to describe the scene that presented itself. At our feet was the broad expanse of the Atlantic, and the fair white city shining brightly in the morning sun. Above us the dark gloomy Cordillera of the Pyrenees—before us the ruined redoubt, and the grave yawning for its prey, around which stood a group of officers, of every arm, and a confused mass of natives, in every picturesque variety of costume.

"The beautiful church service of the dead was impressively read by Brigadier-General Reid, and as the coffin was slowly lowered into the grave, the varying countenances of all present but too deeply portrayed the feelings of grief and regret by which they were agitated.

"Frank, open, and generous, the soul of honour, brave to a fault, the *beau idéal* of a gallant and chivalric soldier, Colonel Tupper had gained the esteem and respect of all who knew him. Irreproachable in his life, glorious in the manner of his death, to him may fairly be applied the beautiful epitaph of Tacitus on Agricola :—

"*Tu vero felix Agricola, non tantum claritate vitæ, sed etiam opportunitate mortis.*"—*Courier*, May 23.

"*San Sebastian, May 26, 1836.*—The brave Col. Tupper, who belonged to General Reid's brigade, had a presentiment of the fate that awaited him, and often mentioned to the general that he should be shot before Christmas. Gen. Reid assured him that he should not, *for he would not allow him to push on, as he seemed resolved to do.* The day before the battle, Tupper said to some of his friends, he felt convinced that he should be killed; yet such was his gallantry, that he entreated General Reid to allow him to pass the river *first*, and the general, instead of restraining him, obtained permission for him from the commander-in-

chief that the 5th should pass first. Before he received the fatal wound in the head, he had also got a severe one in the arm, which he studiously concealed."—*Courier*, June 1.

EXTRACT FROM GENERAL ORDER.—"Head Quarters, San Sebastian, May 17, 1836.—Here also fell, mortally wounded, the rebel chief Segastibelza. On the other hand it was in this last charge that Colonel Tupper received his wounds. He was leading on his men with that daring ardour which those who knew him can conceive. He met the fate of a brave soldier, and his honoured remains now rest beneath the spot ennobled by his fall."

THOMAS DE SAUSMAREZ,

Son of Mr. John De Sausmarez, attorney-general of Guernsey, and of Martha, daughter of Mr. James Le Marchant, was born on the 10th of October, 1756. He received his early education in London, and was originally intended for the army, his relative, Colonel Burrard, having offered to procure him a commission in the guards; but upon the death of his father, in the year 1774, he was induced, at the solicitation of his mother, to change his views from the military to the civil profession, and, at the early age of eighteen, received his appointment as solicitor-general of Guernsey upon the promotion of Mr. Hirzel Le Marchant to the vacancy which his father's death had occasioned in the office of attorney-general.

On receiving his appointment, Mr. De Sausmarez proceeded to Rouen, and entered as an "Etudiant en droit," devoting himself with much assiduity to the study of the Norman law, and regularly attending the courts of judicature in that city, which were then thronged by the most eminent practitioners at the French bar. In 1777, he returned to Guernsey; and, having been sworn into office as solicitor-general, commenced his professional career in that capacity. In 1793, he was appointed Attorney-general, and discharged the duties of this office until the year 1830, when, after a period of fifty-three years' service, he resigned his commission, and retired from public life. From his first entering the profession, Mr. De Sausmarez acquired and maintained, to the period of his retirement, an extensive and respectable practice, in the conduct of which he obtained the veneration of the bar, and the confidence of the bench. He was on many occasions deputed by the states and royal court of the island to defend their interests before the privy council in England; and, in addition to the ordinary duties of attorney-general, he discharged for many years the functions of deputy judge-advocate, an office of no small responsibility during the war, when the garrison of the island amounted to several thousand men, and courts-martial were of very frequent occurrence.

The following brief outline of his character is condensed from the local papers which announced his demise, at which period the whole press were unanimous in bearing testimony to his great merit, his benevolence, and integrity:—"Wearied by the burdens of public life, Mr. De Sausmarez retired to his country seat, in the rural retreat of which he sought, and no doubt found, by rational recreation and in the exercise of all the virtues which shed a lustre on the virtuous citizen, that cheerful repose which his useful civil services deserved. His knowledge and experience were such, and the respect and esteem he had acquired so great, that some of the highest functionaries deemed themselves honoured by his advice on knotty points of law. Although Mr. De Sausmarez never shone by the borrowed light of a fanciful and florid oratory, still this seeming defect was more than amply compensated by a profound knowledge of the laws, a consummate sagacity, and by a racy and convincing force of expression, far superior in every respect to the superficial acquirements of a studied and elaborate declamation. Universally esteemed, he strove to reconcile and adjust those trivial disputes which often give rise to ruinous expenses and interminable law suits, and recommended the litigants to settle their differences out of court. This truly honourable man ever stood the protector—the zealous, warm protector of the persecuted, never claiming remuneration from those whom he knew were ill capable of affording a suitable equivalent for his valuable and disinterested services—conscious of the integrity of his motives, he felt that his best reward was the approval of an unsullied conscience. In private life he was no less con-

"spicuous for prudent liberality, than for a careful and provident economy; "indeed, he combined the dignity of the perfect gentleman with the mildness and "affability of the christian. A staunch and uncompromising patriot, he was the "first to uphold the privileges of his country, and to exert his utmost talents and "influence against any invasion of those just rights and immunities which the sons "of Sarnia have so justly obtained."

On the 31st of March, 1837, when in the full enjoyment of his health and faculties, Mr. De Sausmarez was visited by a severe fit of apoplexy, which deprived him of speech, and the following day, surrounded by his family, he expired at his seat, Sausmarez Manor House, at the venerable age of 81.

Mr. De Sausmarez was twice married; first, to Martha, daughter of Mr. Isaac Dohréc; and, secondly, to Catharine, daughter of Sir Peter De Havilland; by both these marriages he has left numerous issue, and, by the former, Mr. John-Thomas De Sausmarez, the present solicitor-general of the island.

ADMIRAL LORD DE SAUMAREZ.

It is the chief duty of a biographer to collect his facts with industry, and to state them with fidelity, neither exaggerating the merits nor concealing the defects of those, whose lives and actions he proposes to commemorate. So rarely is virtue untainted with vice; so seldom is elevated rank free from pride; so unfrequently does it occur that the most resplendent abilities are unclouded by some paltry passions, or some detractive qualities, that the historian, who is sufficiently honest to speak the truth, scarcely ever enjoys the good fortune of bestowing unmixed praise without sacrificing his sense of veracity. It is the singular felicity of the writer of this memoir, to pourtray the character of a man, great—as he believes him to have been—in every public and every private virtue. Brave, skilful, and enterprising, as a sailor; patriotic, liberal, and unostentatious, as a citizen; an affectionate husband; a tender parent; a generous master; the patron and promoter of every religious institution; pious, without bigotry; firm, without intolerance; a friend to popular education; charitable to the poor; accessible to his inferiors; amiable in disposition; unassuming in his manners, this truly great and good man lived without an enemy, and a nation mourned over his grave. One of the most ennobling characteristics of his mind and heart, was his devoted affection to the land of his birth, and Guernsey may feel an honest pride in the reflection that the most illustrious of her sons, after having gloriously, and by his own personal merits, received the highest honour which the sovereign could bestow on a subject, preferred the simplicity of his paternal hearth to the fascinating allurements of the most splendid court in Europe. This feeling accompanied him to the grave. Ambition would have looked to Westminster Abbey, but the mortal remains of the hero and the patriot, sleep within the precincts of the humble village church, situated nearly in the centre of the small island in which he first saw the light of heaven.

Admiral the Right Honourable James, Lord De Saumarez, was born on the 11th March, 1757, in the town of St. Peter-Port, Guernsey. The family, whose original name was *De Sausmarez*, is of Norman extraction, and of great antiquity in the island, where their genealogy can be traced nearly to the Norman conquest. Their remote ancestor received from Henry, the tenth duke of Normandy, (afterwards Henry the Second, of England,) the fief of Jerbourg, and was appointed hereditary captain, or châtelain, of the castle of that name, which was situated within the limits of the fief, in the parish of St. Martin. In the twenty-seventh year of the reign of Edward the First, at a court of chief pleas held at Guernsey, in the presence of the judges of assize, Matthew De Sausmarez did homage for this fief; and in the fourth year of Edward the Third, an application was made by Matthew De Sausmarez for the confirmation of his rights and prerogatives, as they were anciently enjoyed by his ancestors. On receipt of this petition, his majesty sent an order to John Des Roches, guardian of the Channel Islands, to make a perquisition thereon, authorising him to give his royal assent to it, if not found

prejudicial to the rights of the crown or the privileges of the inhabitants, who, by the consent of his majesty's father, had fortified the castle of Jerbourg, as a place of retreat and protection, as also for the security of their effects, in case of invasion by the enemy.

The subject of this memoir felt an early predilection for the naval service, and perhaps his youthful ideas might have received this bias from hearing his family mention the names of his uncles, Captains Philip and Thomas De Saumarez, who sailed under the orders of Commodore Anson, in the memorable expedition to the South Sea. In 1770, being then thirteen years of age, our hero commenced his glorious career, by entering as a midshipman on board the *Montreal*, commanded by Commodore Alms. He next served in the *Winchelsea* and *Levant* frigates, under the respective commands of Admirals Goodall and Thompson, and after having remained five years on the Mediterranean station, he returned home in 1775.

Shortly after his arrival in England, Mr. Saumarez joined the *Bristol*, of 50 guns, bearing the broad pendant of Sir Peter Parker. On the 26th of December, 1777, the admiral sailed from Portsmouth, with a squadron of ships of war, and a fleet of transports, having on board a large body of troops, under the command of the Earl Cornwallis, destined for an attack on Charlestown, in America. The first object of the combined forces was to obtain possession of Sullivan's island, situated about six miles below the town, and strongly fortified. On the 28th of June, at eight a.m., the squadron began the attack by a furious and incessant cannonade, which continued with little intermission, until nine o'clock at night. Never did British valour shine more conspicuously; the spring of the *Bristol's* cable being cut away by the shot from the batteries, she lay for some time exposed to a dreadful raking fire: at one period her quarter-deck was entirely cleared of every one except the commodore, who stood on the poop-ladder alone, a spectacle of true British intrepidity and firmness. During this severe conflict, Mr. Saumarez had a very narrow escape: at the moment when he was pointing a gun on the lower deck, of which he had the command, a shot from the fort entered the port-hole, struck the gun, and killed or wounded every man but himself. A few days after the action, he was appointed acting-lieutenant of the *Bristol*, which appointment was confirmed by Lord Howe. From that period, to 1779, Lieut. Saumarez was employed in America, upon most important and active services connected with the army. He was in the boats of the *Bristol* on every landing that took place, from the first disembarkation of the troops in Gravesend bay, to the landing at Rochelle; subsequently, he had the command of the *Spitfire* galley, in which he rendered great services, by clearing the coast of the enemy's privateers, and driving on shore and destroying a ship very superior in force to his own. Shortly afterwards the French fleet, under Comte D'Estaing, appeared off Rhode island, when the *Spitfire* was destroyed, to prevent her falling into the hands of the enemy. Returning to England, in the *Leviathan*, he narrowly escaped shipwreck on the Scilly islands.

Soon after his arrival, Mr. Saumarez was appointed lieutenant of the *Victory*, under Sir Charles Hardy, and continued in that ship, under different flag officers, until his removal, as second lieutenant, into the *Fortitude*, with Vice-Admiral Sir Hyde Parker. In this ship he participated in the battle with the Dutch fleet, under the command of Admiral Zontman, off the Dogger bank, on the 5th August, 1781. This action was so severe, that it recalls afresh to the memory, those dreadful sea-fights between England and Holland, which were witnessed in the preceding century.

In consequence of the bravery which he displayed in this action, Mr. Saumarez was promoted to the rank of commander, although only second lieutenant; the first being wounded early in the action, his duty had fallen on him, and shortly afterwards he was appointed to the *Tisiphone*, a fire-ship, on a new construction.

When the squadron arrived at the Nore, his majesty, ever desirous of bestowing marks of approbation on his brave seamen, honoured it with a visit. On this occasion, Captain Saumarez was presented to the king, who immediately asked Sir Hyde Parker, "Is he a relation of the Saumarez' who went round the world with

Lord Anson?" "Yes, please your majesty," the admiral replied, "he is their nephew, and as brave and as good an officer as either of his uncles."

In the month of December following, the *Tisiphone* formed part of a squadron under Admiral Kempenfelt, when that brave officer captured a number of French merchantmen, in the presence of a superior force, commanded by Comte De Guichen. This success was, in a great measure, owing to Captain Saumarez, who first discovered the enemy. Signals being made at the same time from another ship, that vessels were in sight in an opposite quarter, the admiral was for some moments doubtful which to attend to, but he soon formed his decision, observing, "I know Saumarez, I can depend upon him," and immediately gave orders to chase accordingly. Captain Saumarez succeeded in taking several of the transports, one of which, a ship of 30 guns, had 400 troops on board.

It now became an object of the utmost importance to apprise Sir Samuel Hood, the English admiral in the West Indies, of the sailing of this fleet, and Captain Saumarez was selected for this service, a circumstance which led to so important an event in his professional career, that we cannot pass over the particulars in silence. Having delivered the despatches to Sir Samuel Hood, he was informed that he must immediately proceed with them to Jamaica; but Captain Saumarez, anxious to remain at the seat of operations, (the French fleet being then only four or five miles off,) represented to the admiral that the *Tisiphone*, being a fire-ship, might prove useful in an encounter with the enemy, on which Sir Samuel decided to send another vessel with the intelligence. Great, therefore, was the disappointment of Captain Saumarez, when not many days after, he was ordered to England with despatches, the admiral having no other vessel for that service. He had already quitted the *Barfleur*, when Captain Stanhope, of the *Russell*, approached, and hearing of his departure, said, "Captain Saumarez, had I known sooner of your going to England, I should have requested the admiral to allow me, from the bad state of my health, to exchange with you." Captain Saumarez promptly replied, "perhaps it is not too late; do you give me leave to propose it?" The two captains returned to the *Barfleur*, and on a request being made to Captain Saxton to submit the subject to the admiral, he said, "Captain Saumarez, do it yourself, you are the fittest person." When Sir Samuel heard the proposal, after reflecting a few minutes, he said, "Captain Saumarez, you know not how much I wish to serve you; Captain Stanhope shall go home as he desires, and you shall have the command of the *Russell*;" and, before the day closed, Captain Stanhope was in the *Tisiphone*, on his way to England, and her late commander in possession of his post rank, and captain of a ship of the line, of 74 guns; and all this effected in less than two hours!

The same night on which he took the command of the *Russell*, he had cause to find that honours bring cares. A report was made to him that the ship was in a state of mutiny, and that a shot had been thrown at one of the officers. He soon found, indeed, that he had a most disorderly ship's company; but the firm, prompt, and judicious regulations which he immediately established, brought the crew so effectually into order, that two months after, at the memorable battle of the 12th April, 1782, no ship was in a higher state of discipline than the *Russell*.

It is here unnecessary to give a general account of that glorious engagement; we shall, therefore, confine ourselves to a few particulars of the share the *Russell* had in the contest. Captain Saumarez belonged to the van division, and was the only one who, having passed the enemy's rear, wore round on the same tack with the enemy, again brought his ship into action, and, finally, having come up with the *Ville de Paris*, wore under her stern, and engaged her on the quarter for some time, when the *Barfleur* came up, and the Comte De Grasse hauled down his colours. Some days after, the Comte acknowledged to Captain Saumarez that the *Ville de Paris* suffered very severely from the fire of the *Russell*. At one period of the action, when the *Russell* was separated from the main body of the English fleet, and exposed to the fire of several of the enemy's ships, Sir George Rodney, surprised to see an English ship to windward of the French, warmly expressed his approbation of her commander, emphatically declaring, "that is a fine fellow, whoever he is."

On the arrival of the fleet at Jamaica, the *Russell* was found to be in so disabled a state, that Sir George Rodney determined to keep her to accompany the prizes to England, in order to give her time to repair. Sir Peter Parker, in the *Sandwich*, with the *Ajax* and *Intrepid*, sailed at this time with a convoy of merchant ships; but the *Ajax*, having sprung a leak, was obliged to return to Port Royal, and the *Russell* was appointed to replace her. By extraordinary exertions, Captain Saumarez was ready in two days to follow the *Sandwich*, and to this providential circumstance may be ascribed the escape of the *Russell* from the melancholy fate which afterwards befel the prizes, and the unfortunate ships with them. He arrived in the Downs on the 29th July, and the *Russell* proceeded to Chatham, where she was paid off in the following month.

The war soon after terminated, when Captain Saumarez retired to his native island, to enjoy the society of his family and friends. The same energy of mind which had animated his actions in the busy and ever changing scenes of war was no less actively displayed when he entered on the regular occupations of private life. He took a leading part in the establishment of useful institutions, particularly Sunday schools, and whatever was likely to promote the good of those around him always received his zealous support, ever exhibiting in his conduct a striking example of a moral and religious life, and acting as one who is conscious that he is created for a higher destiny than this probationary state is intended to accomplish.

But while it was his purpose and his principal desire to fulfil the duties of the station in which he was placed, he did not neglect to cultivate the exterior graces which embellish society, and adorn the moral virtues. For this, he was eminently qualified both by nature and circumstances. His person was tall, handsome, and graceful, and to a countenance expressive of the dignity and benevolence of his mind, he united the elegant manners of a perfect gentleman. At an early age, he had attained, by his own merit, a high rank in his profession, and had fully established a character equally exalted for courage and professional talent. Possessing such advantages, it may be supposed that his influence was proportionably successful, and that his residence in the land of his birth was an acquisition to all classes.

We now come to a most important era,—the commencement of a series of naval triumphs, which will ever live in the records of the British empire. The war of the French revolution broke out in 1793, and early in January, Captain Saumarez was appointed to the *Crescent*, of 36 guns. He had been offered the *Beaulieu*, and the *Flora*, but preferred the *Crescent*, as being in a greater state of forwardness. In this ship, when off Cherbourg, he had the good fortune, on the 20th of October following, to capture, after a close action of two hours and twenty minutes, the French frigate *La Réunion*, of 36 guns, and 320 men, 120 of whom were either killed or wounded, whilst the *Crescent* had not a single man hurt. This gallant action procured him the honour of knighthood, and the merchants of London presented him with an elegant piece of plate.

Sir James Saumarez was now attached to the squadron under Admiral Macbride, which formed a part of Lord Moira's expedition in favour of the French royalists.

The next exploit performed by this distinguished seaman displayed in a striking light both his nautical skill and his cool intrepidity. On the 5th of June, 1794, when proceeding from Plymouth to Guernsey, with the *Druid* and *Eurydice* under his orders, he fell in with an enemy's squadron of more than double his force, consisting of two seventy-fours cut down, two frigates, and a corvette; but as the details of this brilliant affair are recorded in this history,* it is unnecessary to repeat them here.

From the period of Lord Howe's glorious victory, on the 1st of June, it had been Sir James's ambition to obtain a ship of the line. His zeal had not sufficient scope in a frigate, and he used to say, "Though I shall lose the chance of getting rich, I must have a ship fit to take part in such a triumph." Accordingly, on his application to Lord Spencer, first lord of the admiralty, he was appointed in March, 1795, to the *Orion*, of 74 guns, expecting that his officers and ship's company would be allowed to follow him into that ship; but great was his surprise, on

* See page 165.

applying for the order for their removal, to be informed that it could not be complied with, being contrary to an established rule. Sir James immediately set off for London, to remonstrate on the hardship of enforcing the rule towards his ship's company, who were nearly all *volunteers*; many of them being natives of Guernsey, where they were not liable to be impressed, whilst others from Devonshire had actually refused the bounty offered for general service, in order to enter for the *Crescent*. Sir Charles Middleton, with whom the arrangement rested, notwithstanding these reasons, was inflexible. Sir James then went to Lord Spencer, who, after considering the particular circumstances of the case, kindly said, "We must prevail upon Sir Charles to relax from this decision; it must be done."

Whilst the *Orion* was getting ready for sea, Admiral Waldegrave (the late Lord Radstock) applied to the admiralty for Sir James to go out in the *Marlborough*, with the squadron under his command. They sailed from Spithead on the 21st of April, but after cruising for six weeks, without meeting a single vessel, the squadron returned to Portsmouth on the 8th of June. The *Orion* being now ready, was immediately placed under the orders of Lord Bridport, and on the 11th, Sir James sailed again with renovated hopes of better success, and this time he was not disappointed. On the 23d the fleet fell in with the enemy.

The space allotted in this work to the memoirs of our distinguished countryman does not admit our inserting the details of either this or of the other memorable battles in which Sir James Saumarez was subsequently engaged. It is sufficient to say, that on this occasion he gave proofs of his usual zeal, ability, and intrepidity. The *Orion*, from being one of the sternmost ships when the chase began, was the nearest to the enemy at the commencement of the fight, and may justly be considered to have begun the action, for, though the *Irresistible* fired the first gun, it was owing to Sir James having reserved his fire until he could pour an effective broadside into the enemy.

The *Orion* having undergone a thorough repair, was in September placed under the orders of Rear-Admiral Henry Harvey, and was employed on the expedition of Quiberon bay to assist the French royalists in that quarter. The particulars of the failure of this expedition need not be dwelt upon. It was finally determined, on the 13th of December, to withdraw the troops, and Sir James was entrusted with the superintendence of the embarkation, which, owing to the tempestuous weather, was not effected without great difficulty. He was then ordered to take charge of the convoy, consisting of the transports, storeships, and other vessels employed on the expedition. Scarcely had he parted with the fleet, when the weather became so threatening that he resolved on a bold measure to extricate his charge from the impending danger, by conducting the ships through a passage seldom attempted by ships of the line, and the convoy having gained an advance of twenty-four hours by this successful decision, providentially weathered Ushant before a tremendous gale sprung up, which must have occasioned serious damage had it not commenced before they were clear of land. The ships were so dispersed by the violence of the storm that few reached Portsmouth with the *Orion*, but Sir James was enabled to give such accounts to the admiralty as relieved the board from great apprehensions for their safety. Eventually, they all came in without a single exception, and on Admiral Harvey's arrival he expressed, in strong terms to the admiralty, his sense of the important service which Sir James Saumarez had so ably executed.

In 1796, the *Orion* was employed under the orders of Rear-Admiral Lord Hugh Seymour, and subsequently joined the channel fleet, under Sir Alan Gardner. In January, 1797, Sir James sailed with a squadron, under Sir William Parker, to reinforce Sir John Jervis, off Cape St. Vincent, whom he joined five days previous to the battle of the 14th of February. It is not necessary to give any further account of this action than of that part in which the *Orion* was concerned, which will be best described in the words of her brave commander, in a letter to his brother, written the day after the action.

"*Orion*, Lagos bay, 15th February, 1797.

"You will be happy to receive an account from me of the important victory obtained by our squadron, over the Spanish fleet, consisting of nearly double our force. The admiral having received previous information of their sailing from Carthage, and of their cruising

off the entrance of the Straits, gave us timely notice of the intelligence by the signal to prepare for battle.

"Early yesterday morning, the weather being hazy, with light winds, the frigates on the look-out made the signal for discovering the enemy, and soon after we discovered several ships to leeward, and the body of the fleet to windward. We were then on the starboard tack, standing to the southward. The signal was made to different ships to chase, and shortly after, for the fleet to form in line of battle, as most convenient. The enemy at this time were bearing down to join their ships to leeward, but we came upon them so fast, that, before they could effect the junction, the headmost ships, which were the *Culloden*, *Prince George*, *Orion*, *Blenheim*, and *Colossus*, with the *Victory*, and the rest coming up, it was effectually prevented. They then hauled their wind on the larboard tack, and our admiral made the signal for the fleet to tack. Our sternmost ships then became the headmost.

"Commodore Nelson, who had joined from Elba the day before, shifted his pendant to the *Captain*, the leading ship, and distinguished himself most eminently. The *Culloden*, *Blenheim*, *Prince George*, and *Orion*, were the next that came up, and were warmly engaged for nearly three hours, with the body of the enemy's fleet, who had not the time or address to form into any order. But it is only doing them justice to say, they defended themselves very bravely.

"We were, for above an hour, opposed to a three-decker, the *Salvador del Mundo*, which finally struck to this ship. We lowered the boat from the stern, and gave orders to Mr. Luce, the first lieutenant, to take possession of her, still making sail for the other ships, and following Admiral Parker in the *Prince George*. The *Excellent*, which had passed us to windward, had made a line of battle ship, the *San Domingo*, strike some time before this.

"Several ships of the enemy were extremely shattered in their masts and sails; but, keeping up a warm fire on their ships, the *Captain* laid one of them, the *San Nicolas*, an eighty-four, on board, and hauled down her colours. A three-decker, the *San Josef*, wishing, I believe, to rescue the ship, got on board of her, and gave Commodore Nelson an opportunity of also hauling down her colours. His bravery, on this occasion, is above all praise.

"The *Namur*, and other ships, had by this time joined the van, and engaged as they came up. I stood for a three-decker, which, after engaging some time, struck her colours. She at first showed a white flag, which, though I concluded to indicate a truce, was not satisfactory to myself, and we continued firing till they hoisted an English flag over the Spanish, on which we ceased firing.

"The enemy's ships, many of which had not been in action, at this time came up, and were forming to windward. The admiral made the signal to wear, and come to the wind on the starboard tack, wishing, I believe, to keep his squadron collected near the prizes, as well as the *Captain*, that was much disabled, besides the *Colossus*, which ship very unfortunately lost her fore-yard very early in the action. This ill-timed, but doubtless, necessary manœuvre, lost us the additional triumph of having the *Purissima Concepcion*, to grace the ships already in our possession, and I experienced the regret of again seeing her resume the Spanish colours.

"17th. I have since found it was the *Santissima Trinidad*, and not the *Concepcion*, that struck, but afterwards got off; and the *St. Ysidro*, of seventy-four guns, and not the *San Domingo*, that is captured."

From this period to the end of April, 1798, Sir James was employed in the blockade of Cadiz, being the greater part of the time entrusted with the command of the advanced squadron. He was afterwards selected by Lord St. Vincent to accompany Sir Horatio Nelson in the *Vanguard*, on the important service of watching the armament fitting out at Toulon. The *Alexander*, Captain Ball, and the *Emerald* and *Terpsichore* frigates, were attached to the squadron.

On the 20th of May, they encountered a violent storm in the gulf of Lyons, in which the *Vanguard* was reduced nearly to a wreck, having lost her foremast and topmasts, and sprung her bowsprit. With difficulty they reached the bay of St. Pietro, in Sardinia, on the following day. By the assistance of the *Orion* and *Alexander*, the damages of the *Vanguard* were repaired in four days!

It was justly said by Nelson of this service: "The exertions of Sir James Saumarez, in the *Orion*, and Captain Ball, in the *Alexander*, have been wonderful: if the *Vanguard* had been in England, months would have been taken to send her to sea; here my operations will not be delayed four days, and I shall rejoin the rest of my fleet at the rendezvous." During the gale this little squadron had a narrow escape, the enemy having crossed their track on the night of the 20th.

On the 8th of June, Sir Horatio Nelson was reinforced by eleven sail of the line; and, after a most anxious search in pursuit of the French fleet, they had the happiness of at length finding it, on the 1st of August, at anchor in the bay of Aboukir, at the mouth of the Nile. In allusion to this memorable event, Sir James writes: "When on the morning of the 1st of August the reconnoitring ship made the signal that the enemy was not there, despondency nearly took pos-

session of my mind, and I do not recollect ever to have felt so utterly hopeless, or out of spirits, as when we sat down to dinner; judge then what a change took place when, as the cloth was being removed, the officer of the watch hastily came in, saying, 'Sir, a signal is just now made that the enemy is in Aboukir bay, and moored in a line of battle.' All sprang from their seats, and only staying to drink a bumper to our success, we were in a moment on deck." On his appearance, his men, animated by one spirit, gave three hearty cheers, in their joy at having at length found the long-sought-for enemy.

The *Orion*, at this time, was one of the sternmost ships in the squadron; but she so successfully seconded the exertions of her gallant commander, that she was the third ship which came into action. Having passed the *Goliath* and *Zenobia*, which had dropped anchor inside the enemy's line, Sir James took his station on the larboard bow of *Le Franklin* and the quarter of *Le Peuple Souverain*, engaging both, having sunk the *Sérieuse* frigate by a single broadside in taking up this position. During the action, Sir James received a severe contusion on the side from a splinter, which killed Mr. Baird, his clerk, and mortally wounded Mr. Miells, a midshipman, who were standing close to him; notwithstanding which, he refused the earnest solicitations of his officers to be taken below, and remained upon deck until the action ceased. At the time the *l'Orient* blew up, the *Orion* was considerably endangered by the explosion; but, being happily placed to windward, the fiery fragments that fell in her were soon extinguished. Her vicinity to the *l'Orient* was the fortunate means of saving the lives of nineteen of her crew, who, in trying to escape the flames, swam to the *Orion*. In this brilliant and important victory, Sir James Saumarez was second in command.

On the 15th of August, Sir James sailed from Aboukir with six sail of the line and the captured ships. After a tedious and hazardous voyage, he arrived at Gibraltar, where he found Lord St. Vincent, from whom he received orders to proceed to England, after leaving the prizes at Lisbon. The *Orion* having been paid off at Plymouth on the 6th of January following, Sir James enjoyed the first interval of repose which he had experienced since the beginning of the war; the repose, however, was but of short duration. On the 14th of February, a promotion having taken place, he was appointed to one of the vacant colonelcies of marines, and to the command of the *Cesar*, of 84 guns, in which he joined the channel fleet, and sailed with a detachment under Sir Alan Gardner to bring home the captured ships from Lisbon. During two successive winters, he was entrusted with the command of the in-shore squadron, off the Black Rocks, to watch more closely the enemy's fleet in Brest. None but professional men who have been on this anxious and perilous service can form any idea of its difficulties, and nothing can manifest in a stronger light his unwearied zeal and sleepless vigilance than the fact, that not a single vessel of any description sailed from or entered the port of Brest during the whole time he remained on that station. The high opinion Lord St. Vincent entertained of him is perhaps best expressed in his lordship's own words: "I repose such unbounded confidence in your zeal and judgment, that I sleep as soundly as if I had the key of Brest in my possession." On the 23d of September, 1800, a heavy gale came on, which in former instances would have obliged the in-shore squadron to abandon their post; but, instead of bearing up for Torbay, Sir James steered for Douarnenez bay, where he anchored with the whole squadron, just out of range of the enemy's batteries. Here the squadron rode out the equinoctial gales, actually in the enemy's harbour, within a few miles of their whole fleet of four times its force, in perfect safety!

On the 1st January, 1801, he was advanced to the rank of rear-admiral of the blue, and hoisted his flag on board his old ship the *Cesar*, when he resumed his station off the Black Rocks.*

* A service of a different nature had at one time been in contemplation. In February, Lord Nelson arrived at Portsmouth, and informed Sir James of the intended expedition against Copenhagen, of which Nelson was to have been commander-in-chief, and Sir James second, but that, as his (Nelson's) flag was not sufficiently high for so important a command, he was to serve as junior admiral, which arrangement prevented Sir James from occupying a station in that memorable expedition.

In the month of June, the admiralty having received information that a squadron of Spanish ships had arrived at Cadiz, and that great exertions were making at that port for the equipment of a further naval force for the purpose of an attack upon Portugal, Sir James was nominated to command a squadron, appointed to watch the expedition. Previously to his departure he was created a baronet, with permission, by a separate patent, to wear the supporters belonging to the arms of his family, which had been registered in the Herald's college since the reign of Charles II.

Soon after his arrival off Cadiz, Sir James was informed that three French line of battle ships, and a large frigate, had taken refuge in the bay of Algeziras, and he immediately determined to attack them. The action commenced on the following morning (6th July), and, after a long and severe conflict, in which the squadron had to contend against the enemy's formidable batteries, as well as line of battle ships—the *Hannibal* having unfortunately grounded, and the wind failing—Sir James found every effort to get nearer to the enemy prove ineffectual, and was compelled to withdraw from the attack, with the loss of the *Hannibal*, and to repair to Gibraltar to refit. This unsuccessful result must be attributed to the failure of the wind, which, falling calm, at a moment the most disadvantageous, prevented the squadron from obtaining the position the admiral intended, and left the ships exposed to the enemy's fire, without the possibility of returning it; but, although the attack was not crowned with the success anticipated, it finally led to one of the most brilliant achievements recorded in the annals of the empire.

As no doubt existed that the enemy's squadron, in Cadiz, would put to sea on the first favourable opportunity, to rescue the French ships, not a moment was lost in getting the British ships in a state to intercept them. The repairs of the squadron proceeded with incredible speed, but the *Pompée* was too much disabled to leave a hope of her being quickly got ready, and her men were therefore turned over to assist in the repairs of the other ships. All idea of refitting the *Cesar* was on the point of being abandoned, when her captain, Jahleel Brenton, requested that his people might remain on board as long as possible, and, having communicated to them the admiral's intention in case the ship could not be got ready, they answered, with three cheers—"All hands to work, day and night, until she is ready." Captain Brenton, however, ordered that during the night they should only work *watch and watch*; and by these means they accomplished what has probably never been exceeded. On the forenoon of the 9th, a Spanish squadron of five sail of the line* and three frigates was seen steering for Algeziras. On the following day, this force was increased by another ship of the line,† with a French commodore's broad pendant, comprising, with the *Hannibal*, ten sail of the line and four frigates: while the English squadron amounted to only five sail of the line, a frigate, and a polacca. The admiral, in no way deterred by this very superior force, determined, if possible, to obstruct its return to Cadiz. On the 12th, at dawn of day, the enemy were seen preparing to sail; the *Cesar* was still refitting in the mole, receiving powder, shot, and other stores. At one o'clock, the enemy were nearly all under way; the Spanish ships *Real Carlos* and *Hermenegildo*, of one hundred and twelve guns each, were already off Cabrita point. The *Cesar* was warping out of the mole.

General O'Hara and the garrison of Gibraltar had beheld the long-contested conflict of the 6th of July. They had witnessed the bravery of their countrymen, and, sensible that the character of the nation had been fully maintained, they had received them as if they had returned from a victory. Now that, in the short space of less than six days, they saw the same squadron refitted, and going to encounter a foe reinforced by such an addition, their admiration knew no bounds. The day was clear; the whole population of the Rock came to witness the scene; the walls, mole-head, and batteries were crowded, from the dock-yard to the ragged staff; the *Cesar's* band playing—"Come, cheer up my lads, 'tis to glory we steer;" and the band of the garrison answering with—"Britons strike home." At the same moment, the admiral's flag was re-hoisted on board the *Cesar*, and she

* *Real Carlos*, 112 guns; *Hermenegildo*, 112 guns; *San Fernando*, 96 guns; *Argonauta*, 80 guns, and *San Augustin*, 74 guns. † *San Antonio*, 74 guns.

sailed out of the bay amidst the deafening cheers and acclamations of the garrison, and of the whole assembled population, carrying with her the sincerest and most ardent wishes for victory. So general was the enthusiasm amongst our gallant tars, that even the wounded begged to be taken on board to share in the perils of the approaching encounter.

The *Cesar* brought-to off Europa point, with the signals for her little squadron to close around her, and to prepare for battle. The admiral had already communicated to his captains his plan of attack. The enemy formed their line off Calbrita, about five miles to leeward, waiting for the *Hannibal*, which was the last ship to leave Algeiras. Sir Jahleel Brenton, in an interesting letter, detailing the particulars of the action, observes—"The time which the combined squadron took to get into the order of battle and sailing was invaluable to all of us, by enabling us to complete the arrangements so necessary upon so momentous an occasion. At eight o'clock, the *Hannibal*, unable to work out of the bay, was observed to anchor again at Algeiras, and the enemy bore up through the straits; the *Cesar's* helm was instantly put up—a blue light being burned at the same time for the squadron to follow. At 8 h. 40 m. the *Superb* was gaining fast upon us, and the admiral ordered me to hail Captain Keats, directing him to engage the ship nearest to the Spanish shore. At five minutes past eleven, she opened her fire, and, very shortly after, the two sternmost ships of the enemy were seen to be in flames. We were rapidly approaching them, and orders had been sent down to the officers, at their quarters, to fire as soon as the guns could bear. A more grand, or a more magnificent scene never presented itself, as may be easily imagined, than two ships of such immense magnitude, on board of each other in flames, with a fresh gale, the sea running high, and their sails in the utmost confusion. The flames, ascending the rigging with the rapidity of lightning, soon communicated to the canvass, which instantly became one sheet of fire." The *Cesar* had scarcely time to clear them by shifting her helm. No possibility existing of affording the least assistance in this distressing situation, the admiral pushed on to support the *Superb*, then engaged with the *San Antonio*: but finding that ship nearly silenced, after pouring a broadside into her, he continued the chase in pursuit of the flying enemy, followed by the *Venerable*. At midnight, the wind increased to a gale, and the *Cesar's* masts, from the celerity of her reef, began to complain so much, that it was necessary to shorten sail.

The easterly wind, which, although blowing with great violence in the straits, is seldom felt close in shore on either the Spanish or African coasts, entirely failed as the ships hauled round Cape Trafalgar. At half-past twelve o'clock, one of the three-deckers blew up, with a tremendous explosion, and soon after the other.

At daylight, the *Venerable* was seen close to a French line of battle ship, and coming up with her by the aid of a light air off the Spanish shore. At five o'clock, the *Venerable* opened her fire upon the enemy. The *Cesar* was at the distance of about a mile and a half; the wind suddenly failing, the boats were sent ahead, in hopes of being able to tow her within reach of the enemy, but the *Venerable* was alone able to bring her to action, which Captain Hood did in the most gallant manner, and had nearly silenced her, when his mainmast, which had been before wounded, was unfortunately shot away, and his antagonist was enabled to escape. Soon after, the *Venerable* made the signal of having struck on a shoal, and the admiral observing the remainder of the enemy's ships, amounting to five sail of the line and four frigates, coming down from the westward, sent Captain Brenton with discretionary orders to Captain Hood to withdraw his men from the ship, and destroy her. Captain Brenton found the gallant Hood cheerfully waiting for the assistance which he knew the admiral would send him as soon as the wind would enable him. Captain Brenton having delivered the admiral's message, he replied: "Tell Sir James I hope it is not yet so bad with the old *Venerable*; I hope to get her off soon. Let the *Thames* stay by me, in readiness to receive our people: the enemy shall not have her." The breeze sprang up, and the *Venerable* got off the shoal. The enemy seeing the *Superb* and *Audacious* coming up from the southward, availed himself of the wind to get into Cadiz.

Thus ended the first battle off Trafalgar, in which the enemy lost three

sail of the line, two thousand four hundred men blown up, besides those who were killed in action, and taken prisoners. And thus, in only six days, ended a series of events, acknowledged by the most experienced judges to have never been surpassed in boldness of attempt, and ultimate success. Nor was England alone benefited by this victory, for Portugal may be said to have been preserved by the defeat of Linois, he being destined to seize a fleet of British merchantmen in the Tagus, and to co-operate with the land forces of France in the capture of Lisbon; but, in consequence of his ships being so disabled, they were laid up at Cadiz, and they never again, during the war, left that port.

When the governor, the garrison, and the inhabitants of Gibraltar, who had passed the interval in painful anxiety, beheld the approach of the victorious squadron, their joy and exultation knew no bounds. Every point of the rock, overhanging the shore, was crowded with people, and the acclamations of the troops and inhabitants rent the air! A royal salute was fired, and the whole of this noble fortress was brilliantly illuminated.

Sir James, never unmindful of the source from whence proceeds the skill to direct, the strength to perform, and the blessing of success, returned thanks to the great giver of all victory, for having crowned his endeavours with so signal and happy a termination.

The day after he returned, he addressed the following memorandum to the squadron:—

“Rear-Admiral Sir James Saumarez has the happiness to offer his most heartfelt congratulations to the captains, officers, and men of the ships he had the honour to command, on the signal success with which it has pleased Almighty God to crown their zealous exertions in the service of their country. To the discipline and valour of British seamen is to be ascribed their great superiority over the enemy, who, although more than triple the force of the English squadron in number of guns and weight of metal, have been so signally defeated.”

When the news reached the admiralty, every person was astonished, the enthusiasm was general,—it could scarcely be believed that Sir James, in so short a space of time, could have refitted his squadron, and gained so decided a victory over such an immense superiority of force. The park and tower guns were fired, and a general illumination took place, not only in London, but in several towns throughout the kingdom.

For these eminent services, Sir James Saumarez received the Order of the Bath, and General O'Hara was directed to invest him in the most distinguished manner, a command which the worthy governor strictly obeyed. The splendour of the scene exceeded description. The number and martial appearance of the troops; the multitude of spectators of both sexes, and of all nations and countries, who crowded the surrounding heights, and the lower part of the mountain that overlooks the sands; the roar of the cannon from our batteries, and from the shipping in the bay; the presence of those brave men, so worthy of the gallant chief under whose command they fought; and, above all, the proximity of Algeziras and the Straits, where the new knight, but a few months before, had entitled himself to the honourable token of gratitude, now bestowed by his king and country.—Every circumstance contributed to render this scene one of the most imposing and affecting that can be imagined.

Immediately on the meeting of parliament, the first lord of the admiralty (Earl St. Vincent) rose to move the thanks of the house to Rear-Admiral Sir James Saumarez, for his gallant and spirited conduct in his late actions with the united fleets of France and Spain. His lordship stated the merits of the action of Algeziras, in which, though a ship was lost, no honour was lost to the flag; and though Sir James's squadron was so greatly crippled, he was enabled, by the most wonderful exertions, to meet the enemy, who had put to sea with an augmented force, while his own was diminished in the same proportion, by the loss of the *Hannibal*, the disabled state of the *Pompée*, and the separation of the *Spencer* and *Audacious*.

“This gallant achievement,” said the earl, “surpasses everything I have met with in reading or service; and when the news of it arrived, the whole board, at which I have the honour to preside, were struck with astonishment to find that

"Sir James Saumarez, in so very short a time after the battle of Algeziras, had been able, with three ships only, and two of them disabled, especially his own, to come up with the enemy, and with unparalleled bravery to attack them, and obtain a victory highly honourable to himself, and essentially conducive to the national glory."

Lord Nelson seconded the motion, and bore ample testimony to the exalted character of Sir James. He said he was under most particular obligations to that gallant officer, who had been second in command under him, in his most important and successful engagement, and concluded a most animating speech with these words:—"A greater action was never fought than that of Sir James Saumarez. The gallant admiral had, before that action, undertaken an enterprize that none but the most gallant officer and the bravest seaman could have attempted. He had failed through an accident, by the failing of the wind; for, I venture to say, if that had not failed him, Sir James would have captured the whole of the French squadron. The promptness with which he refitted,—the spirit with which he attacked a superior force, after his recent disaster,—and the masterly conduct of the action, I do not think were ever surpassed."

This admirable testimony was followed by that of his royal highness, the Duke of Clarence, (his late most gracious majesty,) who gave his opinion in favour of Sir James, his captains, officers, and men, in the most ample and flattering manner. The thanks and the freedom of the city of London were also voted to Sir James, accompanied by a sword, of the value of one hundred guineas. The inhabitants of the Channel Islands, justly appreciating the merit of their gallant countryman, were not tardy in acknowledging the high sense they entertained of his services. The states of Jersey voted him their thanks, and the inhabitants of Guernsey presented him an elegant silver vase, with an appropriate inscription.*

Having been reinforced by Captain Tyler, with five sail of the line, Sir James despatched a force to blockade and watch Cadiz, and resumed his station off that port, on the 15th of August. No tidings from England had yet reached him, and on their arrival, great was his surprise to learn that the admiralty, having thought it necessary to make a considerable augmentation to the squadron, had appointed Vice-Admiral Sir Charles Pole to the command. A letter from the secretary to the admiralty, conveying the information, concluded with the following words:—"So many objections occur to the allowing a force of the extent necessary to be so employed, with only one flag officer, that their lordships have felt themselves reduced to the necessity, from your standing on the list, of sending a senior officer to you, which, on considering the proofs you have given of your zeal and ability, and the advantage which the public has so recently derived from your very distinguished services, they would, if possible, have avoided."

The preliminaries of peace, however, having been signed shortly after, Sir Charles Pole returned to England, and Sir James was again left in the command. On the arrival of Lord Keith, at Gibraltar, he was detached to give up the island of Minorca to the Spanish authorities, after which he proceeded to England, and on the 27th of July, 1802, struck his flag.

Shortly afterwards, the first lord of the admiralty signified to Sir James, that it was his majesty's especial desire that he should be appointed to the chief command in the Mediterranean; but Sir James, with every deference to his majesty's command, requested permission to decline the appointment. He had now been constantly employed from the commencement of the war, and his health and spirits required rest, and the comfort of domestic retirement.

In 1803, a grant of £1,200 per annum was conferred upon him, which reverted to the country at his death.

On the renewal of hostilities in that year, he hoisted his flag at the Nore; but as the proximity of the Channel Islands to the French coast rendered them liable to an attack, he was appointed to the command at Guernsey, which he retained until

* The inhabitants of Guernsey to their gallant countryman, Rear-Admiral Sir James Saumarez, bart., K.B., whose suavity of manners and private virtues have long engaged their esteem and affection, and whose brilliant achievements have not only immortalized his name, but will for ever reflect lustre on his native isle, and add to the glory of the British empire.

December, 1806, when he was nominated second in command of the Channel fleet, under Earl St. Vincent, for which purpose a promotion of six vice-admirals took place, in order to include him. Lord St. Vincent being absent on admiralty leave, Sir James had, in point of fact, the chief command, and was employed in watching the enemy's fleet in Brest, until the month of August following, when upon Lord Gardner being appointed commander-in-chief, Sir James resumed his former station. He was now offered by Lord Mulgrave, the chief command in the East Indies, which he declined. Soon afterwards, war with Russia broke out, and Sir James was appointed to the command of the fleet destined for the Baltic, where, by his able arrangements, the extensive and highly important trade in that quarter was protected under extraordinary difficulties, and his firm and conciliatory conduct towards the court of Sweden and the Northern states, tended to detach Russia from her alliance with France, and to unite her with Great Britain in the common cause of Europe. The first important service rendered to his country, on this station, was in releasing from the power of France, the Spanish army, under General Romana. It is difficult to conceive a more delicate part than Sir James Saumarez had to perform during this command, the duties of which were essentially diplomatic. When the unfortunate Gustavus was obliged to abdicate the crown, and, through the influence of France, Sweden at last issued a declaration of war against Great Britain, by his firm, prudent, and judicious conduct, he rendered it nugatory; the English convoys were still collected in her ports, and though it was not expected that the commerce of the two countries could have continued, yet, by his forbearance and conciliating measures, the trade was carried on as usual without the smallest interruption.*

One of the first acts of Charles the Thirteenth, after his accession to the throne of Sweden, was to put into execution the intention of the former sovereign, of conferring on Sir James the grand cross of the honourable military Order of the Sword, which was communicated to him in the following letter from his majesty:

"Monsieur le Vice-Amiral Saumarez.

"Mon conseiller intime d'état, le Baron de Platen, se rendant auprès de vous pour concerter sur des mesures à prendre contre l'ennemi commun, je profite avec plaisir de cette occasion pour vous envoyer, ci-incluses, les décorations de commandeur grand croix de mon Ordre de l'Épée. Les services distingués que vous avez déjà rendu à mon royaume, et ceux que vous lui rendez maintenant, le zèle que vous avez constamment déployé pour le succès de nos entreprises; tous ces motifs réunis vous avaient acquis depuis long-tems des droits à mon estime et à ma reconnaissance; et j'éprouve une satisfaction toute particulière de pouvoir vous en donner aujourd'hui un gage solennel. Je vous félicite de l'avantage remporté le 7 de ce mois par une partie de votre escadre, et vous devez être bien persuadé qu'il ajoute encore au prix que j'attache à vos efforts pour assurer la défense des côtes de la Suède. Et sur ce, je prie Dieu qu'il vous ait, Monsieur le Vice-Amiral Saumarez, en sa sainte et digne garde. Etant votre affectionné,

"CHARLES.

"Au château de Stockholm, le 19 de Juillet, 1809."

On the election of General Bernadotte to be crown prince of Sweden, his majesty informed Sir James of the circumstance, and requested that he would represent it to the British government in the most favourable light, and use his influence so far that it might not be attended with any unpleasant consequences between the two courts; and to Sir James's superior skill and address it was owing that Sweden was not at that time added to the enemies of England.

Sir James continued on this station until 1812. For the services which he had rendered to the common cause, he received, before he left Gothenburg, a superb sword (the hilt being set with brilliants of exquisite workmanship) from the king of Sweden, which was presented to him by Baron Von Essen, aide-de-camp to the crown prince, accompanied by the following letter from his royal highness:—

"Monsieur l'Amiral Saumarez.—Vous vous êtes concilié l'estime du roi pendant que les flottes Britanniques ont été stationnées sur les côtes du royaume. Sa majesté, voulant vous

* After his lordship's demise, a very rich pair of silver candelabra was presented to his son, the present lord, with the following inscription:—"Presented A.D. 1837, to the Right Honourable Lord De Saumarez, by the Swedish compensation commissioners, in testimony of the high sense entertained of the important services rendered to the commercial interests of Great Britain by his lordship's late father, during the time he commanded the British fleet in the Baltic, in the years 1810, 1811, 1812."

donner une preuve de sa bienveillance, m'avait ordonné de vous remettre, de sa part, à mon arrivée à Gothenbourg, une épée, en témoignage de ses sentimens. Je regrette vivement que des occupations inattendues m'aient privé du plaisir de faire votre connaissance et m'acquiesçant des ordres de sa majesté.

"J'envoie près de votre excellence, Monsieur le Baron d'Essen, mon aide-de-camp; il aura l'honneur de vous remettre l'épée que le roi vous a destinée, et il s'acquittera de tout ce que j'étais chargé de dire à votre excellence de sa part.

"Recevez, Monsieur l'Amiral Saumarez, l'assurance de ma haute considération:

"Votre affectionné

(Signé)

"CHARLES JEAN."

The favourable change which had taken place in the state of affairs in the north, rendering the presence of an English fleet no longer necessary in the Baltic, Sir James, on his arrival in England in November, received the following gratifying letter from the lords of the admiralty, with the order to strike his flag:—

"Admiralty, November 28, 1811.

"Sir,—My lords commissioners of the admiralty have been pleased to command me, in transmitting to you the accompanying order to strike your flag and come on shore, to communicate to you their marked approbation of the zeal, judgment, and ability evinced by you during your late command in the Baltic. Your attention to the trade of his majesty's subjects, and your conciliating yet firm conduct towards the northern powers, have met the approbation of his majesty's government; and their lordships are glad to have observed that your services have been fully appreciated by the courts of Sweden and Russia. I beg to add the personal satisfaction which I feel at being the channel of communicating to you this testimony of their lordships' approbation.

"I am, sir, your most obedient humble servant,

(Signed)

"JOHN BARROW."

At the conclusion of the war, in 1814, it was naturally expected that after his long and important services, Sir James Saumarez would have shared the honours of the peerage, together with those distinguished officers who were elevated to that rank: yet it does not appear that he was solicitous for the distinction, or had taken any steps to obtain it, until he learnt that a junior admiral was to be included in the intended creation of peers. Feeling it due to himself to remonstrate against this partial selection, as the very active and gallant officer in question at that time had never had the good fortune to be present in a general action, a correspondence took place between Sir James and some of his majesty's ministers on the subject, in which he concisely detailed his services, principally during the five years that he had commanded the Baltic fleet, for which he had obtained the fullest approbation of government, and particularly for his conduct respecting Sweden, which prevented that power from joining the common enemy against England. Although Sir James had the mortification to find his remonstrances were ineffectual with his majesty's government, he had the gratification of hearing from all quarters it was the general feeling that great injustice had been done him. The reason assigned by the admiralty for the preference was, that "Sir Edward Pellew's flag was flying at the time, and that Sir James Saumarez was then unemployed." We leave the justice of this measure to the opinion of the reader.

On the 4th of June, a general promotion having taken place, Sir James was advanced to the rank of a full admiral.

During the visit of the Emperor of Russia and King of Prussia to England, Sir James received the personal thanks of those monarchs, for the services he had rendered to the common cause of Europe, together with those of Prince Metternich, on the part of the Emperor of Austria. When those illustrious personages visited the university of Oxford, he received, with other distinguished individuals, the degree of doctor of civil laws. In 1819, he was appointed rear-admiral of Great Britain, and on the demise of Sir William Young, in 1821, he became vice-admiral of Great Britain.

The last naval command held by Sir James, was that of port-admiral at Plymouth. He received his commission on the 24th of March, 1824, and hoisted his flag on board the *Britannia*, on the 14th of April, and finally struck it on the 10th of May, 1827; thus closing his long, arduous, and eventful professional career.

During the period of his command at Plymouth, Earl Grey, who was at that time a resident there, at a dinner of the royal naval club, bore so handsome a testimony to Sir James's services, that we shall be excused for inserting the

noble earl's words on this occasion :—" Although not *noble* exactly in title, I dare to affirm that he *ought* to be so, and that the world will agree with me in thinking so; for who could recollect the career which the admiral has so nobly run, from Rodney's glorious day, the battles of Cape St. Vincent and the Nile, down to his own brilliant exploits in the *Crescent*, and as commander-in-chief at Algeiras, and not say, that if ever name could have graced the peerage, it would have been that of Saumarez."

At the coronation of William the Fourth, in 1831, Lord Grey, being then prime minister, had an opportunity of proving the sincerity of his sentiments by recommending Sir James to his majesty for the honour of the peerage, and, on the 12th of September, he was created a peer of the united kingdom, by the title of Baron De Saumarez, of Saumarez, in the island of Guernsey. When the account reached the island, the liveliest satisfaction was felt by all classes of the community. On the 6th October, the president of the royal court officially communicated the intelligence in the *bulletin d'état*, and the states unanimously agreed to meet on the day after the arrival of Lord De Saumarez, to congratulate him on his elevation to the peerage, an address to that effect being accordingly prepared. His lordship reached Guernsey on Tuesday, the 25th of October, and on the following day, the members of the states, after having ascertained that he was ready to receive them, proceeded in a body to his residence, where the following address was delivered to him :—

" My Lord,—The states of Guernsey, proud of the honour so deservedly and graciously conferred by his majesty on their distinguished countryman, came, at their last meeting, to the unanimous resolution of waiting upon him to express their joy and congratulations. In conformity with that resolution, the states do now come to congratulate your lordship on your elevation to the peerage, with an absolute conviction on their minds that on no occasion did their sentiments more truly represent those of the inhabitants.

" The history of all nations is known chiefly by the lives of their eminent and celebrated men. The life of your lordship, whilst it adorns the bright pages of England herself, cannot fail to shed lustre on the annals of this island, in which, besides the services rendered to the whole kingdom, will be inscribed your lordship's beneficence to the poor, to public improvement, and to general education.

" May the example of your lordship fill the minds of our youth with lofty and generous thoughts! May it so stimulate them to virtuous deeds and pursuits of utility, that this island, collectively, may render its name as illustrious as that of your lordship individually will ever remain."

To this address Lord De Saumarez replied, that the pleasure which his countrymen manifested on his elevation to the peerage was highly gratifying to his feelings, and the flattering manner in which they now came to express it was what he could not have expected. It was true that he had long served his country; and that, through the blessing of the Almighty, to whose providence he must ascribe his successes, he had won victories of some importance. He was proud to say, that the honour which had been conferred on him by his sovereign had long been acknowledged to be due to him, and that the nation had hailed it with universal satisfaction. He added that he should ever continue to feel the same interest as he had hitherto done in the welfare of Guernsey, and would always endeavour to promote it. It gave him great pleasure to inform the states, that his majesty had been pleased to express his satisfaction at the title he had chosen, (Baron De Saumarez, of the island of Guernsey,) as it would afford pleasure to the inhabitants of Guernsey. His lordship ended by stating, that his feelings were so wrought on by the flattering mark of respect which was paid him, that he could not say all he could have wished to express on this occasion, but he begged the members of the states, and the other gentlemen present, to accept his thanks for the honour they had done him.

Lord De Saumarez was shortly after appointed general of marines, (which office was abolished at his death,) on which occasion he resigned the appointment of vice-admiral of England; and, in 1834, he was elected an elder brother of the Trinity-house.

In October, 1834, Lord De Saumarez received a highly gratifying mark of favour from the king of Sweden, who sent him a full length portrait of himself,

accompanied by the following handsome letter from the Count De Wetterstedt, minister for foreign affairs at Stockholm :—

"Stockholm, le 7 d'Octobre, 1834.

"Milord,—Depuis long-tems le roi, mon auguste souverain, vous avait destiné, milord, son portrait en pied comme un témoignage de son estime des services signalés que vous avez rendus à la Suède dans les années 1810-12. Divers incidents en avaient retardé l'expédition, d'autant plus regrettables au roi, que sa majesté avait appris l'intérêt que vous avez attaché à ce souvenir de sa part. L'occasion opportune qui se présente maintenant de pouvoir embarquer ce portrait à bord du bâtiment à vapeur le *Lichning*, de la marine Britannique, qui transporte ici Monsieur Disbrowe, a été saisie par le roi, et j'ai l'honneur de vous annoncer, en son nom, que cette expédition vient d'être effectuée.

"En faisant placer sur ce portrait cette inscription, 'Charles XIV. Jean à James Lord De Saumarez, au nom du peuple Suédois,' sa majesté s'est plus à transmettre à la postérité une preuve éclatante des souvenirs qui restent chez elle, et chez la nation qu'elle gouverne, des vœux éclairés du gouvernement Britannique à une époque à jamais mémorable, et de la noble loyauté que vous mîtes, milord, dans leur accomplissement.

"Il en est d'autant plus agréable, milord, d'être auprès de vous l'organe de ces sentimens de mon souverain, que je trouve une occasion d'y ajouter ceux de la haute considération avec laquelle j'ai l'honneur d'être, milord,

"Votre très-humble et très-obéissant serviteur,

"LE COMTE DE WETTERSTEDT."

We have now arrived at a period when Lord De Saumarez had another contest to encounter—another victory to achieve. In the autumn of 1836, it was evident that his health was declining; but he continued to enjoy the society of his friends until the end of September, when his remaining strength suddenly forsook him. He was sensible that his end was approaching, and he met it with the composure and resignation inspired by those great truths in which he firmly believed. One so "steadfast in faith, joyful through hope, and rooted in charity," could not but supply another bright example of the calmness with which a christian can die. His last illness was a beautiful commentary on his life, and on the power of that faith which disarms the king of terrors of his sting, and enabled him to dwell with exulting joy on his Redeemer's promise of a blessed immortality. A few minutes before midnight, on the 9th of October, (a day which had for many years been regarded by him as one of great joy, it being the birth-day of his eldest son,) he entered into his heavenly rest, and left to those who witnessed his last moments the consolation of knowing that his spirit was numbered among those of the just made perfect.

Although Lord De Saumarez had in his will directed that his funeral should be as private as possible, the anxiety which was manifested throughout the island to honour his memory could not be restrained. The royal court of Guernsey signified their desire to attend it in a body; the clergy did so spontaneously; and almost every family in the island had some representative present. The regret for the loss of this great and excellent man was evinced by all classes of society. During the celebration of the funeral, minute guns were fired from Castle Cornet and Fort George; the bells of all the churches were muffled and tolled; nearly all the shops were closed during the day; and at least one thousand persons must have been present at the interment, in the church-yard of the Côtel parish.

Lord De Saumarez affords an illustrious example that a man may belong to a profession requiring constant intercourse with the world, and yet maintain his integrity; that, without ceasing to be a christian, he may faithfully discharge every duty to his king and country; and, through his own personal valour and conduct, attain to the highest rank, and obtain the most distinguished honours. To the rising generation, particularly to those of the naval profession, we recommend an attentive perusal of this memoir. May they bear constantly in mind the prevailing principle which impelled all his actions, "*duty to his God, and love to his country*," and should circumstances call them to the same eventful career, may they go forth and do likewise.

Lord De Saumarez married on the 8th of October, 1788, Martha, only child and heiress of Mr. Thomas Le Marchant and Mary Dobrée, his wife, who now survives him. His eldest son, the present peer, is in holy orders; and the only other surviving son, the Honourable John St. Vincent Saumarez, is a major in the rifle brigade.

SIR JOHN JEREMIE, LATE GOVERNOR OF SIERRA LEONE.

Sir John Jeremie, son of the late Mr. John Jeremie,* a distinguished advocate of the royal court of Guernsey, was born in the year 1795. After having completed a course of legal study at Dijon, in France, he was admitted to the Guernsey bar, where his career was marked by uniform and eminent success. His eloquence and abilities having been brought before the notice of the government, he was appointed, in 1824, first president of the royal court of St. Lucia, in the West Indies. In this office, he was called upon to revise and report on the slave laws then preparing for that island. He was thus led to direct his attention to a subject to which the entire energies of his mind were subsequently devoted. The more extensive his inquiries became, the more deeply was he impressed with a conviction of the enormous evils of the existing system; and, on his return to Europe, he published "Four Essays on Colonial Slavery," pointing out, with admirable clearness, the general features of slave communities, the ameliorations introduced in St. Lucia, and the practical steps to be taken in order to effect the final annihilation of slavery. This tract, which contained the results of personal experience, honestly and fearlessly declared, produced a great sensation on the public mind, and, doubtless, contributed in no unimportant degree to promote that great measure of emancipation which has shed an imperishable lustre on the name of England.

In the year 1832, he was selected for the office of procureur and advocate general of the island of Mauritius. Our limits will not allow us to enter into the detail of the various and harassing difficulties which he experienced in that disturbed colony. He had to contend against powerful interests, against deep-rooted prejudices, against national antipathies, against fierce and angry passions. Those difficulties he has described in an ample vindication of his conduct, entitled, "Recent Events at Mauritius," published in 1835. The following extract from that pamphlet contains a brief summary of the services which he rendered to the cause of humanity and enlightened government:—

"Within the last three years he has traversed fifty thousand miles, encountered the assassin on shore, and the pirate at sea; for ten years has it been his fate to face, in the service of the crown, every peril to which life is subject, whether from the ocean, from climate, or the hand of man.

"Nor have these exertions been unsuccessful or bestowed on unworthy objects.

"Among the multitude of regulations and enactments introduced in colonies in either hemisphere, not one can be pointed out which has failed in accomplishing its purpose—not one evil or abuse contended against that has not been remedied—not one where it was requisite to return twice to the subject; yet even these, sufficient alone in number and importance for the life of many public servants, he is content to pass over in silence.

"Two purposes of greater magnitude have been accomplished, on which he would rest his claims to a fair, an impartial judgment. He asks no more.

"Ten years ago, a legal distinction, broad and galling, existed between the free classes throughout our negro colonies,—the distinction of colour. It was said to be interwoven with the whole frame-work of society, and inexpugnable. It seemed to him a fertile source of weakness, and, should it continue to endure until emancipation were granted, likely to shake to its foundation that part of our empire: as a grievance it was politically more pregnant with danger than slavery itself; yet, had it drawn comparatively little attention, and though occasionally a voice had been raised against it, nothing had been practically effected.

"It was after four years' experience, and having well weighed and witnessed the consequences, that Mr. Jeremie drew up and submitted to Sir George Murray an argument in which this grave colonial question was treated in all its bearings. This at once caught the clear and quick eye of that eminent statesman. It met with his approbation, and, without a struggle or a murmur, the curse of Ham disappeared from the western world.

"Sir George Murray commenced with St. Lucia, and within six months not one British West Indian colony persisted in this mistaken and outrageous policy. Deep-rooted as it was

* On an important occasion, Mr. Jeremie was selected, in conjunction with the present bailiff, Mr. Daniel De Lisle Brock, to defend before the privy council, the rights and immunities of this island. He died of a rapid decline, at Malta, to which he had repaired for the recovery of his health, in 1846, at the early age of 56. His character presented that happy union of energy and mildness,—of inflexible firmness in the maintenance, with the most persuasive gentleness in the expression, of his opinions,—which conciliated the affection and regard, no less than the general esteem and respect, of his countrymen. The only portion of his labours, which has been made public, is a posthumous work, edited by his eldest son, entitled "Traité sur la Saisie Mobilière et la Renonciation, avec quelques chapitres sur la Saisie Héreditaire."

said to be, it met its deserved fate, and men only wonder, and continue to wonder, how, for two centuries, their prejudices could have rendered them so blind to their true interests.

"Next, with regard to emancipation. Here he would not, nor could, with propriety, allude to any popular effort of his; but his labours, exclusively official, and transmitted to and conducted by desire of the colonial office on this single subject, might almost, without a metaphor, be measured by the yard, or weighed by the load. But to refer to recent times. On his last visit to this country it became his duty to draw up, by command, and transmit from the first port he arrived at, a full and matured plan for the practical consummation of this most interesting and magnificent experiment, which need only be compared with the measure as adopted, to show that it was not without its use. That others of unquestioned ability must have laboured long and assiduously at that important work, none can deny; but that an ample outline, and all the principles and leading features of the system, as now at work, will be found distinctly traced in these papers, will, he is convinced, be admitted."

These exertions and sacrifices were justly appreciated and acknowledged. In the year 1836, he was appointed puisne judge of the supreme court of Ceylon, and, at the same time, he was presented by the Anti-Slavery Society with a valuable piece of plate, bearing an inscription which testified, in the most gratifying terms, their sense of his important services:—

"To
the Honourable John Jeremie,
one of his Majesty's Justices of the Supreme
Court of the Island of Ceylon,
&c., &c.,
By whose inflexible adherence to
right principle under circumstances
of unparalleled difficulty,
while discharging high official duties
in the colonies of either hemisphere,
and by whose disinterested, able, and energetic
exertions in most critical and painful
situations, both at
home and abroad,
Negro Freedom has been largely
advanced and the negro character raised
to its just standard in public estimation.
This tribute of affectionate respect
is given
by his coadjutors in the
anti-slavery cause,
27th July, 1836."

At no time did he lose sight of the question on which his thoughts had now for many years been ardently fixed. In June, 1840, he published "A Letter to T. Fowell Buxton, esq., on Negro Emancipation and African Civilization." It consists of practical recommendations to the government with a view to improve the moral condition of Africa,—to draw forth her vast, but neglected resources,—to introduce order, industry, and contentment, into scenes of unexampled misery and crime, and gradually to effect, by a series of wise and comprehensive measures, the total extirpation of the most awful scourge that ever afflicted mankind. It was from the same anxiety for the amelioration of the negro race,—increased, no doubt, by the appalling fact, which had been lately and forcibly urged, that no less than half a million of human beings are still annually reduced to bondage, or destroyed,—that, reckless of personal danger,* undeterred by the most discouraging circumstances, he accepted, in October, 1840, the high, but ill-fated office, of captain-general and governor of Sierra Leone and its dependencies. On this occasion he received the honour of knighthood. His friends, while they respected and admired his intrepid courage, could not but reflect, with deep emotions of regret and pain, that he had gone to that fearful climate, where youth and strength are no protection against wasting disease and premature death. Their melancholy apprehensions

* The following remarkable passage occurs in his last pamphlet:—"Governors, indeed, die in Sierra Leone. But it was my fate to serve six years in one of our West Indian governments, wherein four governors, to my knowledge, died in about as many years—General Stewart, General Mackie, Colonel Maret, and General Farquharson. It was also my fate, as the government passes to the senior officer in garrison, of whatever rank, to swear in two captains, a major, and a colonel, as governors, within a month, the last of whom was in due course superseded by my friend General Mackie, from England, who died within eight weeks; and, in the east, I am now the only survivor of the three judges who belonged to the supreme court of Ceylon, when I ascended that bench on the 29th of December 1836."

were too soon realized. Four months had scarcely elapsed since his arrival in Africa, before he fell a victim to the fever prevalent at Port Logo, to which his arduous duties had recently called him. He expired on the 23d of April, 1841, at the age of forty-six. His death, afflicting to all the friends of humanity, is peculiarly so to his surviving relatives. Their only consolation is, that he has left behind him an honourable name, as one, who, gifted with great talents, devoted those talents to the cause of justice and mercy; and who, in various employments, in the four quarters of the globe, laboured with unwearied perseverance and zeal, to spread the blessings of civilization, and to promote the best interests of man.

GENERAL SIR THOMAS SAUMAREZ.

This distinguished officer is a younger brother of the late Admiral Lord De Saumarez, and entered the army in January, 1776, at the early age of fifteen, having purchased the commission of second lieutenant in the 23d regiment, or Royal Welsh Fusiliers, and embarked for North America, where that regiment was stationed, on the earliest opportunity. Lieutenant Saumarez soon unsheathed his maiden sword, being present at the capture and surrender of York island and the capture of Fort Washington by storm, in December, 1776, when three thousand three hundred men were compelled to yield themselves prisoners of war.

In March, 1777, Sir William Howe received intelligence that the Americans had deposited large quantities of stores and provisions in the town or village of Danbury, and other places on the borders of Connecticut, which lay contiguous to Courtland manor. An expedition was accordingly undertaken to destroy these magazines, the command of which was entrusted to General Tryon, a provincial royalist, assisted by Brigadier-General Sir William Erskine. The detachment appointed to this service consisted of about two thousand men, and included the regiment of Lieutenant Saumarez. They reached Danbury on the 26th of April, and immediately proceeded to the work of destruction. The American Generals Wooster, Arnold, and Silliman, successively attacked the British, but were invariably repulsed. It was in one of these actions that Arnold gave a signal proof of his intrepidity and the firmness of his character. His horse having been shot within a few yards of our foremost ranks, he suddenly disengaged himself, and, drawing out a pistol, shot the soldier dead who was running up to transfix him with his bayonet.*

The next important operation in the campaign, in which Lieutenant Saumarez took part, was the capture of Philadelphia by Earl Cornwallis, who gained possession of that city on the 26th of September, 1777. The subject of this memoir was then promoted to a first lieutenancy, and appointed to the brigade of grenadiers, consisting of more than fifty companies, under the command of Earl Cornwallis, and was shortly afterwards engaged in the severe action fought at Monmouth, where the British were attacked by superior numbers. In that engagement the company to which Lieut. Saumarez was attached lost its captain, and one-third of the men were killed or wounded. In 1779, when only nineteen years of age, Lieutenant Saumarez was permitted to purchase a company in the Welsh fusiliers. Immediately afterwards he embarked with several regiments, under the command of Earl Cornwallis, with the intention of attacking some of the French West India islands, but the very superior fleet of Comte de Grasse compelled the English Admiral Arbuthnot to order the transports to return immediately to New York, where our young officer disembarked with the troops.

In December, 1779, Captain Saumarez sailed again with a large force, under the command of Sir Henry Clinton, South Carolina being the immediate and grand object of this expedition. The result of this enterprize was the capture of

* The Welsh fusiliers covered the retrograde movement of the troops, as they marched to embark on board their transports, when they were most furiously attacked by vastly superior numbers of the enemy. After giving three hearty cheers, the fusiliers charged their assailants in so gallant and intrepid a style, that resistance was vain, and the Americans were dispersed after having lost a great number of men killed and wounded. The regiment met no further opposition. The fusiliers received the thanks of the general officers of the expedition and of the commander-in-chief on arriving at New York.

Charleston, which surrendered to the British arms on the 15th May, 1780. On that occasion seven general officers, ten continental regiments, and three battalions of artillery, became prisoners; four hundred pieces of cannon, including those of every calibre, fell into the hands of the victors.

Shortly after this brilliant affair, Captain Saumarez joined that division of the army which was entrusted to the command of Earl Cornwallis, who fixed his head quarters at Camden, and whose views were extended to the reduction of North Carolina. The American General Gates soon advanced against Earl Cornwallis, with an army estimated at from five to six thousand men, while the British regular force was so much reduced by sickness and casualties, as not much to exceed 1,400 fighting men, or rank and file, with four to five hundred militia, and North American refugees. General Gates was encamped at Rugley's, about thirteen miles from Camden, from which latter place Earl Cornwallis marched on the night of the 15th of August, 1780, in the hope of surprising his adversary. It is a singular fact that at the very hour Earl Cornwallis commenced this nocturnal movement, the same conduct was pursued by General Gates, and for the same object. The advanced corps of either army thus encountered each other in the dark, and their astonishment was mutual. The Americans were driven precipitately on their van, and, as their position was bad, Earl Cornwallis delayed a general action, that he might avail himself of all the advantages of daylight. When the dawn broke, the Americans made an injudicious movement to the left; Earl Cornwallis instantly ordered Colonel Webster, who commanded the right wing, to charge the enemy's left, with the light infantry, supported by the 23d and 33d regiments. The action then became general, but, after an hour of quick and heavy firing, and well supported contests at the point of the bayonet, the Americans were totally routed. The victory was complete. The scattered enemy were pursued as far as Hanging Rock, about twenty miles from the field of battle. All their artillery, amounting to seven brass field pieces, with 2,000 stand of arms, their military waggons, and several trophies, were taken. Earl Cornwallis estimated the slain at eight or nine hundred, and the prisoners at about one thousand. The loss of the British, including eleven missing, amounted to three hundred and twenty-four, in which number the slain bore a very moderate proportion.

After the victory at Camden, the plan of Earl Cornwallis was to advance into Virginia, and the troops marched 1,500 miles through the two Carolinas and that province. Their sufferings, privations, and hardships were never exceeded. Their clothes were worn out; they had no shoes or boots; provisions were scanty; of wine or spirits they were destitute. Excepting the fortitude with which they were encountered, nothing ever surpassed the difficulties which the army endured in its long course of march, from Salisbury to Dan, and afterwards in the pursuit of General Greene to Boyd's ferry. It traversed a country which was alternately a wild inhospitable forest, or inhabited by a people who were at least strongly adverse, though they did not on all occasions venture to be actively hostile. When to these disadvantages we add all the numerous inconveniences incident to bad roads, heavy rains, want of shelter, and the continued wading through numberless deep creeks and rivers in the depth of winter, we shall still form very faint and inadequate ideas of the sufferings incurred during this long and harassing march.

On the 15th of March, 1781, Earl Cornwallis came up with the army of the American General Greene, at Guilford. The force of the British somewhat exceeded two thousand men; that of the enemy did not fall much short of six thousand. The battle was severe and obstinately contested, but terminated in the defeat of the insurgents. The Americans brought four 6-pounders into the field, which the brigade of guards captured; they were recovered by the cavalry under Colonel Washington, and two of them were again retaken in a charge made by the Welsh fusiliers, under Captain Saumarez. The other two were regained by the British cavalry, under Colonel Tarleton. Earl Cornwallis declared, in public orders, that he should ever consider it as the greatest honour of his life to have been placed at the head of so gallant an army; and the merit was so general, that every corps, and almost every officer above the rank of a subaltern, received his public thanks and acknowledgments for their particular and distinguished services.

Notwithstanding his triumph at Guilford, Earl Cornwallis was compelled to march to Wilmington to obtain those supplies and accommodations which had become indispensably necessary to his troops. His position, in that town, was difficult and embarrassing. His force was very much reduced, not exceeding one thousand effective men. He knew that affairs in South Carolina had taken an unfortunate turn, and, after anxious deliberation, he determined to march to Virginia, and attempt a junction with General Phillips in that province. It was, indeed, a perilous adventure. The distance was great, the means of subsistence uncertain, and the dangers and hazards were sufficient to appal the boldest. The troops had already experienced the miseries of traversing an inhospitable and almost impracticable country, above eight hundred miles in different directions; and they were now to encounter a new march of three hundred more, under less favourable auspices than at the outset. They were still so destitute of necessaries, that their noble commander declared "his cavalry wanted every thing, and his infantry every thing but shoes."

On the 25th of April, 1781, the army marched from Wilmington, in North Carolina, and reached Petersburg, in Virginia, on the 20th of May, after enduring the severest hardships. Earl Cornwallis there had the mortification to hear of the death of General Phillips, who was carried off by fever, a few days before his arrival. About the latter end of June, the British general arrived at Williamsburg, the capital of Virginia, closely followed by Lafayette, and a detachment of the American army. On the 6th of July, Lafayette attacked the royal forces, but was repulsed with considerable loss.

On the 9th of August, Earl Cornwallis reached York-town and Gloucester, and ordered both places to be fortified. The Welsh fusiliers were directed to construct a redoubt on the right flank of the town, more than five hundred yards in advance, and the post was entrusted to their defence. Captain Saumarez was the second officer in command of this advanced redoubt. It was attacked by three thousand French grenadiers, who were bravely repulsed by one hundred and thirty officers and men of the Welsh fusiliers, and forty marines,—a feat of arms well worthy of record. Two other attempts by the French, to take the redoubt, were equally unsuccessful; the regiment of Captain Saumarez received the most flattering commendations from Earl Cornwallis and the general officers of the army, and, at the termination of the siege, the French officers were prodigal in their praise of the firmness and courage of the Welsh fusiliers.

But the contest was too unequal. The French and Americans had united their forces, and were preparing to attack the British by land and water with an overwhelming superiority of numbers. Seeing resistance useless, and anxious to avoid the unnecessary and cruel sacrifice of brave men, Earl Cornwallis surrendered on the 19th of October, 1781. Such was the very hard fate of the remains of that gallant and conquering army which had been so highly distinguished in the southern wars!

When the capitulation of York-town was effected, Earl Cornwallis ordered that one captain and three subalterns of each regiment should remain with the prisoners; lots being drawn to decide this point, it fell on Captain Saumarez to discharge this responsible duty, which required vigilance, prudence, and firmness, and he fulfilled it in a very satisfactory manner. On the 29th October, he proceeded from York-town with the regiment, and arrived on the 15th of November, at Winchester, in the back settlements of Virginia, where the soldiers were confined in barracks, surrounded by a stockade. On the 12th of January, 1782, he marched with the regiment, and a part of Earl Cornwallis' army, from Winchester, through the state of Maryland to Lancaster, in Pennsylvania, where they arrived on the 28th following.

An event now occurred of the deepest interest and the most extraordinary character. It appears that a rebel captain named Huddy, who was patrolling with Americans, encountered during the night a patrol of royalists, commanded by Captain Lippencott, who was taken prisoner by Huddy, by whom he was hanged, without any trial, merely because he was a royalist. Shortly afterwards, the brother of Lippencott captured Huddy, and, animated by revenge, executed

the murderer of his relative. The reader would never imagine that these transactions should have implicated the lives of Captain Saumarez, and of the other twelve captains taken prisoners with the army, under Earl Cornwallis; such, however, was the fact. On the 2d of June, 1782, they were ordered by the American congress through General Washington to assemble at Lancaster, in Pennsylvania, and there draw lots, that one among them might suffer death in retaliation for the execution of Huddy. Sir Charles Asgill was the fated victim. In consequence he was conducted to the American army, stationed in the Jerseys, under a strong escort, and detained in prison for six months. The gallows was erected, but the urgent remonstrances of Major Gordon, of the 80th regiment, with the French ambassador at Philadelphia, and the forcible appeals of the captains to General Rochambeau, who commanded the French army at the siege of York-town, suspended the sanguinary and vindictive intentions of congress; Captain Asgill was ultimately liberated through the intervention of the French government, and the kind offices of the unfortunate queen of France, Marie Antoinette.

Captain Saumarez, being the senior officer of the British troops during the time they were prisoners at York town, in Pennsylvania, had the charge of three thousand men, among whom it was a most arduous task to maintain discipline, more especially as they were constantly invited by the Americans to desert. He himself was frequently offered passports for England, but his sense of honour and duty to his king and country would not allow him even to contemplate the abandonment of his trust. In May, 1783, at the conclusion of the war, he had the happiness of conducting the first division of the army to New York, and obtained the thanks of Sir Guy Carleton, the commander-in-chief, for his zeal and attention during the nineteen months the army were prisoners of war.

On landing in England, he had the mortification to learn that he was placed on half-pay, owing to the reduction of the army, though he had fought in three general actions, several skirmishes, and two sieges, since he had purchased his company in 1779. After repeated offers of his services, he was appointed to a company in the royal Welsh fusiliers, in 1787, when war was expected to break out; but as peace continued, he was again reduced within the short space of three months. In 1789, he joined the 7th or royal fusilier regiment, in Scotland, and soon embarked at Leith for Gibraltar, to join his colonel, the late Duke of Kent, father of her present gracious majesty, Queen Victoria. So highly did his royal highness appreciate the tact and judgment of Captain Saumarez, that he appointed him to command a company formed out of the worst soldiers in the regiment, and so excellent was the discipline, that, without corporal punishment, he so effectually reformed these men, as to receive the best thanks of his colonel. The duke, as an additional testimony of his esteem, honoured Captain Saumarez with the appointment of equerry, and afterwards of groom of the chamber to his royal highness.

In 1791, the subject of this memoir, accompanied his regiment to Canada, but soon returned to England. When war was declared against France, he offered his services to raise a regiment, but Major-General Thomas Dundas being appointed lieutenant-governor and commander-in-chief in Guernsey, Mr. Secretary Dundas urgently requested Captain Saumarez to accompany the major-general to the island, and aid him by his local knowledge of the inhabitants, their customs, laws, and manners. The French having menaced an attack, our officer accepted the appointment of major of brigade to two thousand insular militia, and voluntarily did the duty attached to the department of the quartermaster-general. He examined all strangers who landed on the island, and thus was enabled to apprehend many disaffected persons and rebels from Ireland. During five years he devoted himself with undivided assiduity to the public service, without receiving any additional pay or emolument. He was appointed assistant-quartermaster-general to 7,000 Russian troops, and inspector to four corps of French emigrants, which were stationed in Guernsey. So highly were his talents and activity appreciated, that he was entrusted with the secret correspondence along the enemy's coast from Havre to Brest, and the information he communicated to government was so highly prized, that he frequently received the thanks of his majesty's ministers.

In 1794, being deputed by the states of Guernsey to present their congratulatory address to the Prince of Wales on the occasion of his marriage, and being strongly recommended to the favour of the crown, by Major-General Small, he received the honour of knighthood. In 1799, he was appointed inspector of the Guernsey militia, which situation he filled till June, 1811, when he obtained the rank of major-general.

In 1812, Sir Thomas Saumarez was appointed commandant of the garrison at Halifax, Nova Scotia, and, in 1813, was president of the council and commander-in-chief of New Brunswick. When, in 1814, he was about to return to England, he received a highly complimentary address, which we subjoin, from the council of that province. At the coronation of Queen Victoria, Sir Thomas, who had long been the senior lieutenant-general in the British army, was advanced to the rank of general.

TO HIS HONOUR MAJOR-GENERAL SIR THOMAS SAUMAREZ, PRESIDENT AND COMMANDER-IN-CHIEF OF THE PROVINCE OF NEW BRUNSWICK.

THE ADDRESS OF HIS MAJESTY'S COUNCIL.

"SIR,—The unsettled state of the government of New Brunswick has long been a subject of general regret in the province, where the changes of president have occurred no less than nine times in the course of seven years; but although the period of your honor's administration in particular, has been short, it will not be soon forgotten; it has made a lasting impression on the minds of all such as have had an opportunity to observe, and justly to appreciate, your vigilant and unwearied attention to the duties of your station, and your constant ambition, by every means in your power, to promote and secure the prosperity of the colony committed to your care. His majesty's council, therefore, requests your acceptance of this address, not as a mere compliment, but as a sincere tribute of respect and esteem, which, together with their best wishes, they offer in the confident assurance that, on this occasion, they speak the sentiments of the province at large."

VICE-ADMIRAL GOSSELIN.

The family of Gosselin, of Norman origin, was long domiciled in the island of Jersey; but the date of its first settlement there cannot now be accurately ascertained.

Robert Gosselin, a distinguished soldier, did eminent service to King Edward the Third at the rescue of Mont Orgueil, from the French, and was in consequence appointed governor of that castle, having had, at the same time, a grant of the armorial ensigns, since borne by the family, (viz., gules, a chevron between three crescents, ermine) as appears by the original grant under the great seal of England, supposed to be upon record in the Tower of London, or among the archives of Winchester. His descendant, Thomas Gosselin, was a jurat of the royal court of Jersey, in 1521, whose son, Hilary Gosselin, removing to Guernsey, was sworn king's procureur on the 7th of September, 1546, afterward, bailiff of Guernsey, and styled the Honourable Hilary Gosselin, in his commission, bearing date the 12th of October, 1549. His only son, Nicholas Gosselin, was one of the clerks of the council to Queen Elizabeth, and in 1565, a jurat of the royal court of Guernsey. He married Peronelle, daughter of Lewis Lempriere, bailiff of Jersey, and his eldest son, Hilary Gosselin, was attorney-general of Guernsey, in August, 1591.

Vice-Admiral Thomas Le Marchant Gosselin, by the genealogy of his family, is lineally descended from the above, and son of the late Joshua Gosselin, who was born in 1739; and for many years commanded, as colonel, the north regiment of militia in Guernsey. He entered the royal navy on the 2d of August, 1778, and served under Captain Philip Boteler, in the *Acteon*, 44, and *Ardent*, 64, until the latter ship was captured by the combined fleets of France and Spain, in sight of Plymouth, August 16, 1779. On his return from France, Mr. Gosselin joined the *Barfleur*, 98, bearing the flag of Sir Samuel (afterwards viscount) Hood, in which ship he served, from October 11, 1780, until the peace of 1783. During this period, he witnessed the capture of St. Eustatia, by the naval and military forces under Sir George B. Rodney and General Vaughan; and was in six different actions against the French fleet, under Comte De Grasse; viz., off Martinique, April 29, 1781; off the Chesapeake, September 5, 1781; off St. Kitts, January

25 and 26, 1782. On the 12th February, 1782, he went to the *Champion*, of 24 guns, Captain Hood, in order to be in more active service. He was in the actions of the 9th and 12th of April, off Guadeloupe, the *Champion* being repeating frigate to Sir Samuel Hood, on which last day (12th April) the gallant *De Grasse* was compelled to surrender. On the 19th he was at the capture of two line of battle ships, a frigate and a corvette, in the Mona passage: the last was captured by the *Champion*. In June, he followed Captain Hood into *l'Aimable*, 32, and at the peace of 1783, he returned to England with the fleet under Lord Hood, and was paid off; at which period his late majesty was serving as a midshipman on board the *Barfleur*.

We afterwards find Mr. Gosselin successively serving in the *Carnatic*, 74, Captain Anthony J. P. Molloy, stationed at Plymouth; the *Nautilus*, sloop, Captain Tripp; and, on the death of Commodore Thompson, he followed Captain Tripp into the *Grampus*, 50, on the coast of Africa; and in the *Triumph*, 74, and *Barfleur*, 98, both bearing the flag of Lord Hood. His first commission bears date December 1, 1787.

In September, 1788, Lieutenant Gosselin was appointed to the *Atalanta* sloop, Captain Delgaro; and in January, 1789, he sailed for the East Indies, in company with a squadron, under Commodore the Honourable William Cornwallis, who removed him into his own ship, the *Crown*, 64, shortly after their arrival on that station. In November, 1791, he followed the commodore into the *Misereux*, 38, and served as first lieutenant of that frigate, until promoted to the command of the *Dispatch*, armed brig, April 23, 1793.

We next find this officer appointed, on the 19th March, 1794, to the *Kingfisher* sloop, then on the Downs station, but subsequently attached to the north sea and channel fleets. On the 7th June, 1795, being then in company with a squadron, under Vice-Admiral Cornwallis, off Belleisle, he assisted at the capture of part of a French convoy from Bordeaux, laden with wine and naval stores, and obliged a French frigate, after firing a few broadsides, to cast off a large store ship she had in tow, of which he took possession, and also captured three vessels of the same convoy. On the 4th July following, the vice-admiral sent him an order to act as captain of the *Brunswick*, 74, which appointment was confirmed on the 23d of the same month. This command he held until October, 1795.

Captain Gosselin's next appointments were April 22, 1796, to the *Diamond*, 38; and July 25, to the *Syren*, 32; both on the St. Marcou station. During the mutiny at Spithead, he received an admiralty order to take a small squadron through the fleet, to relieve Sir Richard Strachan, off St. Marcou, (the *Syren's* ships company being well disposed,) the *Syren* unmoored, and was ready to weigh, when the captains of the other ships, viz., *Pearl*, *Dart*, and *Arrow*, came to inform him that their crews refused to leave Spithead until the mutiny was settled. The admiralty being informed of the circumstance by telegraph, he was ordered to remain at Spithead till the business was settled, and on the day the proclamation of pardon was read, he proceeded with the little squadron through the fleet, then at St. Helen's, for St. Marcou. While on that station he chased a large French corvette, which ran on shore under the batteries at Herqui. After discharging a few broadsides, and finding it impracticable to capture or destroy the corvette, the *Syren's* wheel having been shot away, her mainmast badly wounded, with other damages, he found it necessary to get out of the reach of the batteries. In March, 1798, he was employed in convoying to the Leeward Islands and Jamaica a large fleet of merchantmen, the masters of which presented him with a valuable sword. On the 20th August, 1799, he was present at the surrender of Surinam to the naval and military forces, under Lord Hugh Seymour and Lieutenant-General Trigge; after which he escorted another fleet to England. During the summer of 1800, he was in attendance upon King George the Third, at Weymouth. In February, 1801, he again took charge of the outward-bound West India trade; and on the 23d October following removed into the *Melampus*, 36, at Jamaica, from whence he returned home, and was paid off in June, 1802.

On the 2d February, 1804, Captain Gosselin was appointed to the *Ville de Paris*, 110, bearing the flag of Admiral Cornwallis, then commander-in-chief of

the channel fleet, in which ship he remained until September following, when he was removed to the *Latona*, 38, and entrusted with the command of the in-shore squadron, off Brest. While in command of the in-shore squadron, the whole of the French fleet came out of Brest twice, and anchored some days in Berthoume road, during which time he anchored every night with the frigates under his orders, viz., *Latona*, *Diamond*, *Phoenix*, and *Aigle*, just out of gun shot of the enemy, keeping the smaller vessels under weigh, between him and the fleet. Small squadrons occasionally came out of Brest, to endeavour to drive him off. For his services, while thus employed, he received the thanks of Admiral Cornwallis, Lord Gardner, and Sir Charles Cotton. On the 4th February, 1806, he assumed the command of the *Audacious*, 74. Among the captures made by Captain Gosselin, in the *Syren* and *Latona*, were several French and Spanish privateers. One of the latter was the *Amphion*, of twelve guns, and seventy men.

On the 19th May, 1806, the *Audacious*, then forming part of a squadron under Sir Richard J. Strachan, sailed from Plymouth in pursuit of six French line of battle ships; and, on the 8th August, after having cruised for some time off Madeira and the Canaries, anchored in Carlisle bay, Barbadoes. A few days afterwards, when about eight degrees to the northward of that island, she was totally dismasted in a hurricane. In 1807, we find her attached to the channel fleet; and in the beginning of 1808, employed in the blockade of Ferrol. She subsequently accompanied the army under Sir John Moore, from the Downs to Sweden. This force came back to England, under her protection, in the month of July following.

In August, 1808, Captain Gosselin, with Sir Harry Burrard and other general officers as his guests, on board the *Audacious*, convoyed a large body of troops to Portugal; and after their debarkation at Maceira, proceeded to the river Tagus, where he continued under the orders of Sir Charles Cotton, until the retreat of Sir John Moore to Corunna, from whence he escorted home a fleet of transports. In January, 1809, he received the thanks of both houses of parliament, for his "unremitted exertions" in embarking the army after the battle of Corunna, the official despatches relative to which were written by Lieutenant-General Sir John Hope, on board the *Audacious*. Captain Gosselin resigned his command in March, 1809, and was prevented by ill health from accepting a subsequent appointment to the *Cressy*, 74. He obtained the rank of flag officer on the 4th June, 1814; became a vice-admiral in May, 1825; and is now senior vice-admiral of the red. The subject of this memoir was born in Guernsey, on the 7th May, 1765; was married March 18, 1809, by his grace the archbishop of York, to Sarah, daughter of the late Mr. Jeremiah Rayment Hadsley, of Ware Priory, Herts; and resides in Hertfordshire. He is brother of Lieutenant-General Gerard Gosselin, a deputy lieutenant and magistrate of Kent. The two sons of his eldest brother live in Guernsey.

CAPTAIN SIR THOMAS MANSELL, R.N.,

KNIGHT, MILITARY KNIGHT COMMANDER OF THE ROYAL HANOVERIAN GUELPHIC ORDER,
AND KNIGHT OF THE SWEDISH ROYAL MILITARY ORDER OF THE SWORD.

This very active and intelligent officer is the third son of the late Mr. Thomas Mansell, of Guernsey, and was born in that island on the 9th February, 1777. In 1806 he married Catherine, second daughter of Mr. John Lukis, by whom he has four sons and four daughters. The eldest son, Thomas, is an M.D., Arthur and George are in the royal navy, and William is intended for the army. Two of his daughters are married; Mary, to Mr. Hilary O. Carré, a jurat of the royal court, and Catherine, to Mr. Joseph Collings, jun., both of Guernsey. Lady Mansell died in 1841, in her sixtieth year.

He entered the royal navy, as midshipman, on board the *Crescent* frigate, Captain (late Lord De) Saumarez, in February, 1793, and served under that highly distinguished officer during the greater part of the wars occasioned by the French revolution.

On the 20th October, 1793, he assisted at the capture of the republican frigate

Réunion, near Cherbourg, after a close action of two hours and ten minutes; and, subsequently, of two privateers, in the bay of Biscay.

In December following, he accompanied an expedition, under Earl Moira and Rear-Admiral M'Bride, to the coasts of Normandy and Brittany, and on the 5th June, 1794, we find him in action with an enemy's squadron of very superior force, from which the *Crescent* escaped by most bold and masterly manoeuvres, as will be seen by reference to the memoir of her gallant and skilful commander.

Mr. Mansell afterwards followed Sir James Saumarez into the *Orion*, 74, of which ship he was master's mate, in Lord Bridport's action, near l'Orient, June 23, 1795; at the defeat of the Spanish fleet, off Cape St. Vincent, February 14, 1797, on which occasion he was wounded; and at the ever-memorable battle of the Nile, August 1, 1798. In the last named action, the *Orion* was the third leading ship, and she sank, with one broadside, a French frigate which, contrary to the rules of naval warfare, fired at her as she was pushing on to engage a more equal opponent.*

For his uniform good conduct on these occasions, he was so strongly recommended by Sir James Saumarez, that previous to his completing the usual period of service as a petty officer, the immortal Nelson was pleased to appoint him an acting lieutenant. He returned home in *l'Aiglon*, 74, one of the prizes taken in Aboukir bay, and was confirmed in his rank by an admiralty commission, dated April 17, 1799.

We next find him serving on board the *Impregnable*, 98, Captain Jonathan Faulkner, in which ship he was wrecked near Chichester harbour, October 19, 1799. During the remainder of that war he served under Captain (afterwards Admiral) John Child Purvis, in the *London*, 98, and *Royal George*, first rate, attached to the channel fleet. The former ship was in the expedition against Ferrol, under Sir John B. Warren, and Sir James Pulteney, in August, 1800.

On the renewal of hostilities, Mr. Mansell was appointed to the *Cerberus*, Captain William Selby, which ship bore the flag of Sir James Saumarez, at the bombardment of Granville, in September, 1803. In his official letter on this occasion, Sir James said:—"The *Cerberus* after getting under sail, to renew the attack, grounded on a sand bank, and remained there three hours before she floated. Nine of the enemy's gun vessels, perceiving her situation, endeavoured to annoy her, and kept up a heavy fire on her for some time, but were silenced by the *Charwell*, and *Kite*, sloops, and also by the fire from the *Sulphur*, and *Terror*, bombs, and by the cannonade launch of the *Cerberus*, under the orders of Lieut. Mansell, assisted by the *Eling* schooner, and *Carteret* cutter, which obliged them to take shelter in their port." He added, "The steadiness and good conduct of all the officers and men, in the *Cerberus*, during the time the ship was aground, do them infinite credit."

The situation of the *Cerberus* was rather more perilous than would be inferred from the above extract, the receding tide having left her nearly on her beam-ends. The boats of the squadron were placed under the direction of Lieutenant Mansell, who succeeded in distracting the attention of the French flotilla, and thus saved the ship from the serious consequences which at one time threatened her, for which service he obtained the applause and personal thanks of the admiral. Previously to his quitting the *Cerberus*, he became first lieutenant of that ship, and commanded her boats at the capture of several French vessels, cut out from the different anchorages within the limits of the Guernsey station.

In 1804, Lieutenant Mansell was removed to the *Diomedé*, 50, then bearing the flag of Sir James Saumarez, but subsequently attached to the squadron under Sir Home Popham, destined against the Cape of Good Hope. During the operations which ended in the reduction of that colony, he superintended the landing of the troops, under Major-General (now Lord) Beresford, and commanded the seamen attached to his brigade, at Saldanha bay. On his return from thence to Table bay, he was selected by Sir Home Popham to be his first lieutenant in the *Diadem*, 64.

* Captain Savage, commanding the marines of the *Orion*, is said, on going into action, to have made them the following humorous and pithy address:—"My lads, before you is the land of Egypt, and unless you fight like devils, you will be this night in the house of bondage."

Shortly afterwards, information having been received that a French squadron, under Jerome Buonaparte, had arrived in the vicinity of the Cape, Lieutenant Mansell was sent in an armed transport, with despatches to the admiral, his friend, Sir Home Popham, hoping his promotion would follow. Being disappointed in this expectation, probably in consequence of a recent change of ministry, he rejoined his early patron Sir James Saumarez, with whom he served as flag lieutenant, in the *Diomedé*, *Hibernia*, and *Victory*, on the Guernsey, Channel, and Baltic stations, until promoted by him to the command of the *Rose*, sloop, on the 17th of September, 1808. The *Rose* formed part of the squadron under Captain (now Vice-Admiral) A. P. Hollis, at the capture of the island of Anholt, on the 18th of May, 1809. She subsequently engaged and beat off a Danish flotilla in a calm, near the Scaw, as will be seen by the following official letter from Captain Mansell, to the senior officer at Gottenburg :—

"Sir,—Yesterday morning being becalmed in his majesty's sloop *Rose*, the Scaw bearing W. by N., distant about seven miles, four of the enemy's gun vessels, with other rowing boats, were seen coming towards us, and at 11. 45. a.m. began to engage, but at such a distance as to have rendered a return of our fire ineffectual, and at the same time have enabled them to have ascertained the range of our guns; but this was prevented, and they continued advancing until 6. 43. p.m., when, being within a short range of grape shot, we commenced our fire, which continued until two o'clock, when the enemy was seen in apparent confusion, and one of their row boats sunk. They soon afterwards retreated, and I have every reason to believe, from the well directed fire of the *Rose*, with considerable loss. I have to lament that during this time, it being a perfect calm, and the ship only managed by the assistance of a boat towing and her sweeps, I had not the power of checking a spirit of enterprize evinced by the enemy, seldom equalled, as they were at the time the action ceased a distance of nine miles from the land. It affords me pleasure when I relate, that, considering the time and manner we were engaged, little injury has been sustained, having no one killed, and but five slightly wounded, owing, as I presume, to the precaution taken of keeping the men down at their quarters, during upwards of an hour's destructive fire to our hull, rigging, and sails, the ship having received nineteen shots in her hull, wheel shot away, the main yard and mizen mast rendered unserviceable, besides rigging and sails much cut up. I beg to speak in the highest terms of approbation of the conduct of my officers and ship's company, and to add, that had a better occasion given scope to their spirit and animated conduct, I have every reason to feel the fullest confidence in the result. The enemy's boat sunk I took on board, which proved to have been an English six-oared cutter, with the arms, &c., still in her.

"I have the honour, &c.,

(Signed)

"THOMAS MANSELL.

"To Captain Pater, H.M. ship *Caroline*. Dated April 29, 1810."

On the 10th of May, 1810, Sir James Saumarez, then in Yarmouth roads, wrote to Captain Mansell as follows :—

"Sir,—Having transmitted, for the information of the lords commissioners of the admiralty, your letter addressed to Captain Pater, detailing the particulars of an attack made on H.M. sloop *Rose*, under your command, when off the Scaw, by four of the enemy's gun vessels, in which great gallantry and good conduct were displayed by you and the officers and crew of the *Rose*, I have the satisfaction to inform you, that their lordships have signified their approbation of your conduct in the above-mentioned action.

"I have the honour to be, &c.,

(Signed)

"JAMES SAUMAREZ."

In 1812, Captain Mansell was presented by Viscount Cathcart, the British ambassador at St. Petersburg, with a valuable diamond ring, which his lordship had been directed, by the Emperor Alexander, to forward to him as a mark of the high sense that monarch entertained of his services, especially in conducting safely, through the Belt, a Russian squadron under the orders of Vice-Admiral Crown.

In the course of the same year, he was honoured by King Charles the Thirteenth with the insignia of knight of the royal military Order of the Sword, in testimony of the high sense his Swedish majesty likewise entertained of his services, which mark of distinction was sanctioned and confirmed by the Prince Regent of Great Britain, June 20, 1813.*

On the 23d of August, in the latter year, Captain Mansell was appointed to the

* This order was conferred at the same time on Rear-Admiral Sir George Hope, and Capt. George Reynolds, and dated 19th July, 1809; but, owing to the political position of Sweden with Russia and France at that period, the diplomas were withheld from these three officers until 1813.

Pelican, sloop, in which vessel he continued until advanced to post rank, on the 7th of June, 1814.

While commanding the *Rose*, in the Baltic, for five years, and subsequently the *Pelican*, on the Irish station, for one year, his conduct gained him the approbation of every officer under whom he served, as his zeal and activity were conspicuous on every occasion; and his success as a cruiser against the enemy was almost unprecedented, he having captured at least *one hundred and seventy vessels* of various descriptions, including the American letter of marque *Siro*, on the 13th of January, 1814. This vessel was a schooner of 225 tons, pierced for sixteen guns, mounting twelve long nine-pounders, with a complement of 49 men. She had been chased by several other British cruisers in the Bay of Biscay, but escaped through superior sailing, and was intended to cruise against our trade, after landing her cargo (cotton) at Bordeaux.

On the general promotion of the 1st of January, 1837, his late majesty, King William the Fourth, was graciously pleased to nominate him a military knight commander of the royal Hanoverian guelphic order, on which occasion he was presented to his majesty, who was further pleased to confer upon him the honour of knighthood.

DEPUTY COMMISSARY-GENERAL TUPPER CAREY.

Tupper Carey, third son of Mr. Isaac Carey, and of Margaret Tupper, his wife, was born in Guernsey, on the 16th of April, 1788.

Mr. Carey entered the commissariat in the year 1804, and served in Guernsey until August, 1808, when he sailed with Sir David Baird's expedition to join Sir John Moore in the Peninsula. Disembarking at Corunna, he proceeded up the country in the discharge of his duties, and, finally, after enduring the dangers and fatigues of the disastrous, but glorious, retreat of the latter distinguished officer, re-embarked at Vigo, and returned with the army to England. In the following year (1809) Mr. Carey was sent to Lisbon, where he joined the forces under Lord Wellington, and from that period, till the close of the war, actively partook in most of the important operations in Portugal, Spain, and France. During a part of this time (1812) he was attached to Major-General Le Marchant's brigade of heavy cavalry, and was present when that excellent officer fell at Salamanca; and in the eventful campaigns of 1813 and 1814 he acted as senior commissary to the 4th division of infantry, under Sir Lowry Cole.

On the termination of hostilities, Mr. Carey returned with the Anglo-Portuguese army to Portugal, and embarked at Lisbon for England in November, 1814. War having recommenced in 1815, Mr. Carey was once more called into active service, and, on his arrival in the Netherlands, he joined the 2d division of infantry, under Lieut.-General Sir H. Clinton, and continued with it at Waterloo and during the campaign, which was terminated by the triumphant entrance of the allies into Paris. An army of occupation being now established in the north of France, Mr. Carey, from his knowledge of the French language, and his intelligence and activity, was selected as the senior of two British, to form with two French commissaries, a mixed commission to superintend the supplies of the British contingent, which, consisting of British, Hanoverian, Saxon, and Danish troops, frequently imposed on him duties of a difficult and delicate nature. He, however, performed them in a manner highly satisfactory to the commissary-general, whilst, on the other hand, his conduct as a member of the mixed commission acquired so fully the approbation of the French government, as to procure for him from his majesty, Louis the Eighteenth, the decoration of a knight of the legion of honour.

In 1819, Mr. Carey was placed at the head of the commissariat in the Mauritius, where he remained till September, 1823, when he was promoted, and returned. Several other appointments were offered to him, which the state of his health obliged him to refuse, till, in the year 1837, he went as deputy commissary-general to Malta, where he is at present stationed.

THE CENSUS.

THE decennial census for 1841, taken on the 6th of June, having been completed as this volume was on the eve of publication, we are enabled to subjoin the returns for all the Channel Islands, as under :—

PARISHES.	HOUSES.			POPULATION.		
	Habit.	Unh.	Build.	Males.	Fem.	Total.
St. Peter-Port	2,123	126	16	6,105	8,451	14,556
St. Sampson	264	3	5	779	788	1,567
Vale	279	9	1	857	841	1,698
Câtel	337	12	3	903	991	1,894
St. Saviour	214	23	2	494	540	1,034
Torteval	73	4	....	207	180	387
St. Peter-in-the-Wood	224	20	....	556	624	1,180
Forest	129	1	1	341	355	696
St. Martin	319	11	1	829	996	1,825
St. Andrew	191	2	....	468	553	1,021
Town Hospital .....	....	....	....	132	140	272
Country Hospital .....	....	....	....	73	71	144
Prison .....	....	....	....	11	4	15
Fort-George, including depot of the 8th regiment, and Artillery .....	....	....	....	271	146	417
Total of Guernsey	4,153	211	29	12,026	14,680	26,706
Alderney	225	31	....	500	530	1,030
Caskets	2	....	....	3	5	8
Sark, and Ile des Marchands	130	....	....	394	396	790
Herm	7	....	....	22	16	38
Jethou	1	2	....	3	3	6
Total	4,518	244	29	12,948	15,630	28,578

RETURN OF THE POPULATION OF THE ISLAND OF JERSEY, TAKEN ON
THE 6TH OF JUNE, 1841.

PARISHES.	HOUSES.			POPULATION.		
	Habit.	Unh.	Build.	Males.	Fem.	Total.
St. Helier	2,353	134	127	10,912	13,069	23,981
St. Saviour	443	13	4	1,218	1,514	2,732
St. Martin	378	17	1	1,265	1,446	2,711
Trinity	370	5	1	1,157	1,334	2,491
Grouville	312	2	0	1,107	1,265	2,372
St. Peter	356	11	3	1,002	1,278	2,280
St. Owen	351	3	1	979	1,285	2,264
St. Laurence	350	7	0	1,013	1,157	2,170
St. Brelade	391	47	8	958	1,212	2,170
St. John	280	5	2	874	972	1,846
St. Clement	220	2	3	666	825	1,491
St. Mary	176	5	1	460	578	1,038
Total	5,981	251	151	21,611	25,935	47,546

CORRIGENDA AND ERRATA.

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- 1....15, *for* prove, *read* proves.
- 3....24, *for* exhibitions, *read* expeditions.
- 5....33, *for* Valogne, *read* Valognes.
- 15....15, *for* from whom, *read* from whence.
- 18..... (foot note) *for* Insulamos, *read* Insulanos.
- 23....19, *for* Raymond, *read* Regnault.
- 24....20, *for* Sir John, *read* Sir Thomas.
- 24....21, *for* of Jersey, *read* of the isles.
- 24....22, *for* that island, *read* Guernsey.
- 39....20, *for* contiguous, *read* adjacent.
- 57....1, *for* thirteen gentlemen, *read* the twelve jurats.
- 76....14, *for* prisoner, *read* pensioner.
- 88....27, *for* about the year 1650, *read* about the year 1661.
- 99..... (foot note) *for* and was created, *read* and his grandson was created.
- 139....1, *for* returns, &c., of the militia, *read* returns of the militia, &c.
- 240....43, *for* is. *read* are.
- 269....24, *for* and of the, *read* and in the.
- 271....47, *for* two of 2,000 quarters, *read* two of 2,000 quarters or above.
- 295....33, *for* twenty per day, *read* twenty pounds per day.
- 317....12, *for* moral and reformation, *read* moral and religious reformation.
- 322....25, *for* 1st of February, *read* 4th of February.
- 322....27, *for* 4th of October, *read* 1st of October.
- 329....30, *for* Mr. William Le Marchant, *read* Mr. Thomas Le Marchant.
- 369....13, in a few copies, *for* reformation, *read* restoration.
- 556....30, *for* died to, *read* died in.
- 573....1, *for* year, *read* reign.

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